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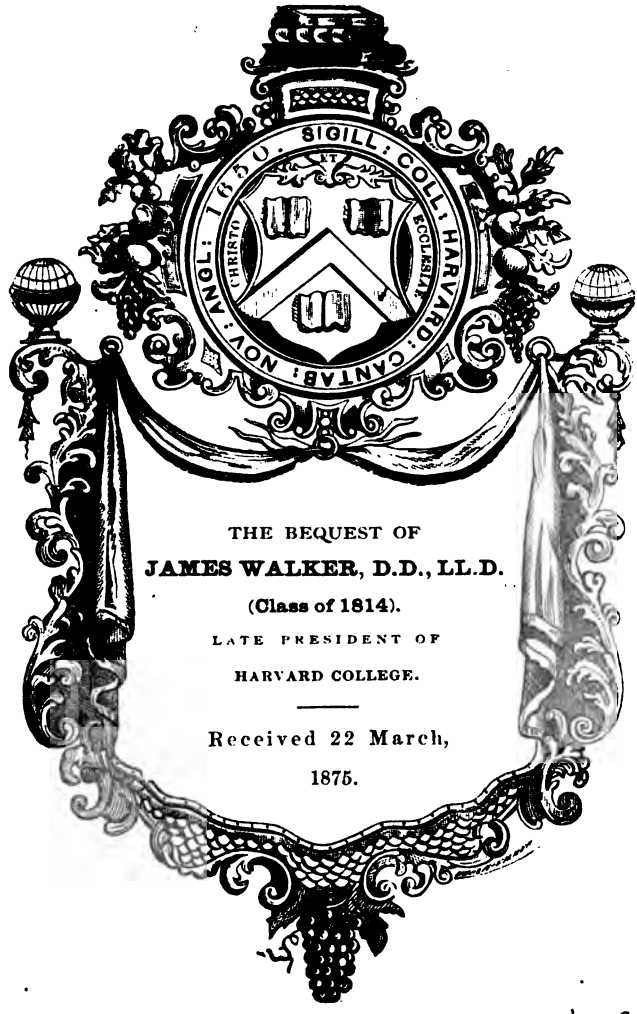

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(Class of 1814).
LATE PRESIDENT OF
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Received 22 March,
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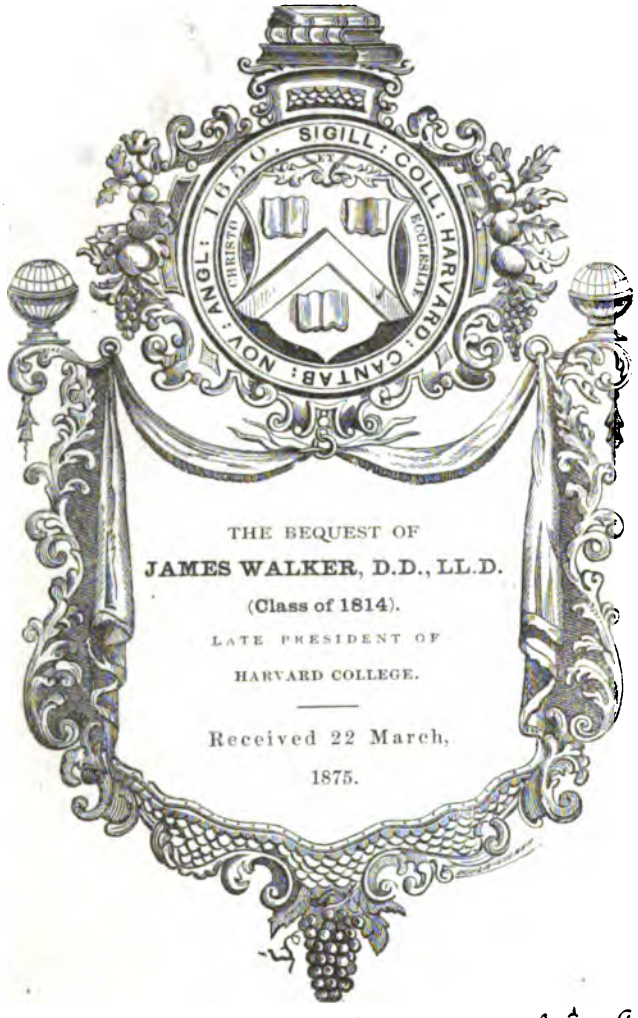

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CICERO

ON

ORATORY AND ORATORS.

WITH

NOTES

HISTORICAL AND EXPLANATORY.

A NEW EDITION,

CAREFULLY REVISED AND CORRECTED.

IN TWO VOLUMES.

VOL. I.

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1875, March 22.
Bequest of
James Walker, D. D., L. L. D.,
(H. U. 1814.)
President of Harv. Univ.
(Vol. I; II.)

WRIGHT, Printer, St. John's Square.

PREFACE.

THE character and qualifications of an orator are so well, and so fully handled in the following work, that it would be the height of presumption to say any thing further on these heads. Our author himself has rested his reputation upon the merits and execution of this performance, and all that is left for a translator, is to endeavour that his original may not be disgraced by the copy, and that the friends of Cicero may not blush at the mean appearance he makes in a modern language. But it is impossible with any propriety to introduce my great author to the public in the following translation, without at the same time acquainting the world with the *motives*, I had almost said, with the *necessity*, of the present undertaking.

Men of learning are divided with regard to the merit of translations in general; I shall not pretend to decide upon either side; but I will venture to say, that if the present taste in learning should gain ground, this nation will soon have no other means left of being acquainted with the *good sense* of the ancients, but through translations. It is upon this foot-

ing only that I will justify the translation of a prose author; and I may appeal to every gentleman who converses abroad in the world, to every gentleman who has had any opportunities of being acquainted with the present *trade* of education, if, in this island, we are not in danger of losing not only the beauties, but even the meaning of those writers among the ancient, whose works are not yet translated. While I say this, I am far from condemning the method of education that is now generally adopted. I am sensible, as this is a trading nation, that the education which most tends to qualify young gentlemen to support the interest of their country, which undoubtedly lies in commerce, is most to be pursued; but, at the same time, the nature of our government and constitution demands that gentlemen of property be conversant in other studies; and though there is not in this nation, perhaps, the same *public demand* for the knowledge and practice of the art, which is the immediate subject of these sheets, as there was in old Rome, yet I will venture to affirm, that in no age, and in no country, since the days of Cicero, they have been more useful and more necessary than in the present.

Looking upon this undertaking in that light, we shall find that it claims all the attention that is due to a *public concern;* and though a few of the many who may have occasion to practise the excellent rules laid down by

by our author, may understand, nay be pleased with them in the original, yet their importance and usefulness must in a great degree have been lost to the world, without the medium of a modern language. I am sorry to observe farther, that for wanting that medium they have been in a great measure lost hitherto, and that they who are acquainted with the original, and shall take the trouble to read my author, even in the disguise, and under the disadvantage, of a translation, will enter into all the sources of those amazing effects of eloquence which he has often *felt*, and perhaps *practised*, without being sensible of the cause to which they were owing.

Learning therefore may be called the *auxiliary of good sense*, and all learning that has not this in view is a pursuit unworthy the *care*, and below the *attention* of *reason*. *Good sense* may subsist without *learning*, but then its aim is more uncertain, and its effects more irregular than when it has the assistance of the examples, the sentiments and the precepts of the greatest men of former ages. If we carry this observation farther, we find that as the learning which has not the improvement of *good sense* ultimately in view is *childish*, so the *good sense* which has not *virtue* for its end, is *dangerous*. It was owing to the conviction of this great maxim that the Romans arose to such a height of power under many

disadvantages of their constitution. It was this maxim that directed them to engraft *arts* upon *government*, and by that means each communicated strength and vigour to the other, till the loss of their *virtue* proved the ruin of both. Arts did indeed survive liberty, but their duration was but faint, and they but too frequently proved destructive to their possessors.

Let us now apply this observation to my author. He lived in a state where the radical power was in the people, and the people communicated dignity to every other branch of government. The genius of their constitution on the other hand inclined to *monarchy*; and the people, with the most embittered aversion to the *name*, were perpetually leaning to the *thing*. It was owing, more than once, to the senate and their magistrates, that they did not relapse into regal power; their own demands had ultimately this tendency; for the extremes of democracy lead more nearly than any other form of government to the principles of tyranny. The wiser among the senate saw this, and eloquence was the only means of stemming, or rather diverting, the torrent of popular passions. This was the foundation of the great esteem which *eloquence* had always under the *republican* government of Rome; no other engine could have been applied with equal success. The people had found, by the effects of their *secessions* from the senate, that though the balance

lance of *property* was in favour of the senate and nobility, yet that *power* could command *property*. *Good sense* directed them to find out this *truth*, a *truth* which after ages and governments have affected to keep as a secret; and every people who are sensible of it will be able to retain their liberties. In short, if we consider the history of Rome through all the struggles betwixt the *people* and the *senate*, we find it no other than a struggle betwixt *property*, which was vested in the *senate*, and *power*, which lay in the *people*. The *acquisitions* obtained by the *people* were wrested from the *senate*, upon the great principle that the *safety of the people is the first law in government*, and that no *positive institution* could take place, or stand in the way, of this fundamental maxim. Upon this *principle* they succeeded; but their success brought them to the brink of ruin: it is easy to raise a *spirit* in a people; but to know where to fix the proper bounds of that spirit is difficult. The passions of a people, though right and virtuous, may be corrupted by the private views of artful men; and it is commonly found that the people never reflect they have gone too far, till they find the *lengths* they have gone are *irretrievable*.

Things were drawing to this crisis when our author appeared upon the *stage of life*; and nothing can give the reader so high an *idea* of the power of that *eloquence*, which is so

well described in the following *conferences*, as by reflecting that for some time it was capable of *balancing the contending parties of the Roman state;* and had such a command over the passions of the people, as to keep the *fate of the republic for some time in suspense.* But though it was perhaps happy for Rome that our author lived at that particular juncture, yet it was unhappy for himself. Had he lived an age sooner than he did, and been endowed with the same temper and abilities, he might have saved his country from the miseries that afterwards befel her; had he, on the other hand, begun to live at the period when he fell, he might have passed his days in a splendour, dignity, and ease more agreeable to his own cast of mind; and though he could not have recovered the liberty of Rome, yet he might have found the means of making her chains sit lighter than they afterwards did. To be convinced of the first of these propositions one needs but to reflect upon the fate of the Gracchi, and the consequences with which their ruin was attended. Both of them had great abilities, great qualities, great eloquence, and, so far as we are warranted to judge from history, *honest intentions.* The people of Rome had never seen men of eloquence equal to theirs espouse their interests. Eloquence till that time was always *monopolized;* it was an *arcanum imperii*, an *instrument of government* in the hands of the senate. The senate used all

all precautions to keep it in this track, and, as I observed before, was the only engine that diverted the tide of popular passion, and weakened it so as not to beat too high upon their own order and authority. The Gracchi broke the enchantment, nay, turned the artillery of the senate against itself. I shall not enter into the dispute at present, which were in the right—it is foreign to my purpose. I will, however, venture to say, that though the Gracchi fell in the struggle, yet they left several valuable legacies to the liberty of their country. These must have prolonged the duration of the Roman state, had not the faction by which the Gracchi fell, set a fatal precedent to teach succeeding times, by melancholy experience, that when the sword is drawn by a government, under the plea of necessity, the same sword will one time or other be successfully employed for subverting the government itself.

The *necessities* of the *people* justify an alteration of any *positive act of government*; but the *necessities of government* never can justify the weakening the *security which the people enjoy in regard either to their lives or their properties.* The death of the Gracchi introduced a set of maxims till that time unknown in Rome; the life of Cicero was spent in a continual struggle, on the one hand with the designs of artful men, who had cloaked their own ambition with the spe-

cious pretext of the people's good, and on the other hand with the exercise of power vested in men, who by means of that pretext proved too powerful for the constitution. A tenderness for the safety of Roman citizens was the *living spirit* of the Roman laws; this tenderness was violated by the death of the Gracchi; and the fates of the conspirators in the case of Catiline, though warranted by the strongest *circumstances of necessity*, served as a handle for driving our author into exile, and aggravating his punishment with several marks of severity and ignominy.

The speakers in the following conferences were principal actors in those scenes of deep distress that preceded our author's appearance in *public life*. *Their* conduct was the model of *his; their* principles were adopted, and their learning improved by *him*. This work is the memorial of their virtues and abilities; and Cicero has preserved a scrupulous *propriety* in representing their several characters. I shall not anticipate my reader's pleasure by prefixing any account of them in this preface; I will only add, that they are such as may be met with in the present age, and such as resemble those which may be found in our country.

After what I have observed upon the importance of eloquence in the Roman republic, the reader will not be surprised that our author has in their own persons brought in

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men of the greatest dignity in the state, as discussing the subtleties and niceties of this art, and that in a manner which has ever since been confined to schools and academies. But we are to look upon eloquence in the days of our author as a *political accomplishment*. The *lessons* here delivered, are *lessons of government* as well as *of eloquence*; and the *practice* here recommended, is a practice in the art of civil polity: an art by which the passions of the greatest people that ever existed were kept within the bounds of moderation, and the interests of the greatest empire that ever was founded were directed.

Having thus taken a short view of the importance of the art which is the subject of the following sheets, as it was practised in the great exigencies of the Roman government in the times of the republic, and endeavoured to give my reader a slight idea of the circumstances that concurred to render it so necessary, I come now to consider it as practised at the bar, when cases of private property were depending.

The possession of private property in old Rome was perhaps more precarious than it was in any state we read of; it depended so absolutely upon the judge, and *power* came to be so much engrossed by men of eloquence, that the man who was the advocate for property was its guardian, and generally either wholly, or in part, came in the end to inherit it. Hence it came that the term they

used to signify a *counsel*, or an *advocate*, was a *patron;* and it is from them, that to this day parties at law are called *clients*. Thus *superiority* and *dependency* were the consequences of being an *advocate* and a *party* at law; and that advocate looked upon himself as having a right, not to a fee, but to the whole, or a part of that property which he recovered or defended. The reader may judge from this what prodigious advantages the practice of eloquence gave to the citizens of Rome; and how almost impossible it was, unless a man rose by arms, to get either *power*, *reputation*, or *riches*, but by means of this art.

As to the effect which eloquence had in the decision of cases respecting *life* or *death*, these but seldom happened. *Capital* cases did not, as now, always affect the life of the party, but every case that affected his *liberty* or *reputation* was *capital*. By the Roman laws this was often the consequence of civil actions; and therefore I shall make no other remark upon the use that eloquence was of under this head, than that all I have said upon the former, is applicable to this, and exists *a fortiori*.

I come now to consider the relation in which the art here treated of stands to our own country and constitution, and in order to do this the more regularly, I shall pursue the same review I have made of the Roman state, but without taking the same liberties

liberties in reflecting upon either the principles or the execution of our government.

In England, any man who knows the least of our laws and constitution, may perceive that every act of the legislature, every enacting measure that binds either the whole, or a part of the public, and every decision upon the life or the liberty of a subject, must pass through an assembly of the people, either in their representative, incorporate, or collective capacity. There is no man who is endowed with a share of property, without any legal disqualification, who may not some time be a member of either the one or the other, and he is then a member of an assembly, in which the art of speaking, the art of reasoning, and that of judging, becomes absolutely necessary.

The highest assembly of the commons we know of in this country, is an assembly in which every measure, and every decision is subjected to free and impartial debate. In *subordinate* assemblies no man is precluded from delivering his sentiments with freedom upon every measure under their deliberation; and the man who speaks well, if he does not always meet with *success*, is always sure of *applause*. But, in order to succeed, natural abilities require the assistance of art; and though the knowledge of the art will never qualify a man for a speaker, without a fund of good sense, yet good sense joined to art is of infinitely greater weight and efficacy

cy than when it stands by itself, unassisted and unattended by art.

It is ridiculous to imagine that art imposes any fetters upon genius; so far from it, that she *assists* and reason *directs* it. It is owing to the study of eloquence being reduced to a barren technical system, that from being a useful *art* in *government*, it is becoming a pedantic *jargon* in *schools*. But the reason why it has *now* degenerated from its noble and generous station in the arts, is connected with the reason why the greatest part of mankind, who are not savages, are slaves. In free countries, such as old Rome once was, and ours is now, *eloquence* had objects worthy all her *powers*, and all her *charms*. She had then to operate upon the passions, the reason, and the sentiments of a people; but when *tyranny* abolished *liberty*, those objects no longer existed; they were contracted into the will, the ambition, the whim, the caprice, or the vanity of a single man; of one who, perhaps by the meanest and most scandalous means, rose to be judge and master of the lives, the liberties, and properties of his fellow subjects. Such an object was unworthy the attention, unworthy the powers of eloquence; her force, which used to govern the passions of thousands, which used to spread a contagious sympathy through assemblies of the bravest people upon earth, must now be checked, it must be supplied, it must dwindle into *adulation*, it must creep

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in the strain which this person loves, and for which alone he has any feeling. In a free state the passions are *strong;* under *tyranny* they must appear *languid.* The preserving this *appearance* of *languor* renders them *at last,* what they only seemed to be *before. Eloquence* by this means loses her noblest object; she labours to raise the dead, or the insensible, she loses both her powers and their effects; and from being a *manly study* degenerates into a *servile accomplishment.*

It is therefore only from the precepts and practice of those who lived under free states, that we can expect to know the virtues and beauties of this divine art. But of all the free states we know or read of, that of Rome was supported by the most general passion for the public good; the virtues that made her great, were radical in her constitution, inseparable from the idea of her government, and subsisted for some time after the spirit of liberty was extinguished. This may seem a paradox; it may seem romantic; but if we reflect upon any one circumstance in the Roman polity, we shall be convinced of its truth.

The passions of the Romans for their country led them not to be confined to the study of arms, or the immediate arts of government, in order to make her great and powerful. They found the means of drawing the whole circle of the arts within their favourite system of *public good.* None stood single and by

by itself; they all were connected with, they all terminated in, the *public*. None were valued if confined to mere speculation; and all were despised that did not tend to enhance the glory or power of their country. Poetry, the most bewitching of all arts, was valued only as it had an influence upon the morals of mankind; the poetry that touched the tender passions was almost unknown in Rome till the beams of a court had melted their virtue, and softened their affections to take any impression which the art of the poet was pleased to bestow. *Architecture* did not then, as afterwards, employ all the magnificence of order, and the grace of proportion, upon the buildings of private persons; their public buildings, the temples, their roads, their aquæducts, and other works of public utility; such works as might be compatible with the dignity of their empire, were erected and embellished by this art. *Sculpture* was employed in adorning the places of public meeting, and exhibited to the views of the people the representations of personages whose virtues rendered them the most worthy objects of their imitation. I might proceed to exemplify this observation in other arts: I shall now confine myself to that which is the subject of my present undertaking.

In the following sheets the reader will easily perceive how much our author despises eloquence, considered as detached from the purposes

purposes of civil life, and what a contemptible idea he raises of its speculative professors. No merit, no learning, no genius in this way, though ever so great, could rescue the possessors from contempt, unless they were in a capacity to apply their talents to the service of the public. Even the condition of slavery was but seldom relieved by the most consummate merit in this art, since that condition disqualified the person from applying it to the service of Rome.

It was no wonder then if a government, which acquired so many accessions of strength and dignity from the arts, should rise to a greater pitch of power and majesty than other states who were deprived of these advantages. This is a character in which the Roman polity differed from all other states; even Greece was defective in this point. Her people had an exquisite sensibility, and were too apt to be bewitched by the charms of the arts, detached from civil uses. This enchantment made them indulge a passion for retirement and leisure; and hence it was that they honoured the speculative and the sedentary. Since the revival of learning in later ages, this mighty, this important secret, has not been found out, at least has not been attended to. To this inattention it is owing, that, even in our own country, some princes, who have been the greatest patrons of liberty, have neglected or despised the patronage of the arts; while others have but too successfully

fully employed them in lulling mankind asleep, and enchanting the world, while they were prosecuting and executing the most pernicious designs against public liberty.

As history is the great instructor of public life, we may hope to see the time when this excellence of the Roman government shall be added to many others, in which Great Britain either equals or excels the Romans themselves. With regard to the art which we are now considering, this is not only *practicable*, but *necessary*. For though a particular taste in particular arts, may prevail in most countries, yet eloquence being founded on reason, which is every where the same, and operating upon the passions of mankind, which differ only in their degrees of strength and weakness, its precepts are universal and eternal. Our author, in laying down the rules contained in the following work, derived advantages from helps and objects, of which we, in this country and age, are deprived. His genius was so comprehensive, that he exhausted his subject, so that all that has since appeared on this head are not improvements, but comments upon these excellent conferences. It is from them that each separate species of eloquence has been derived; the rules contained in them are equally applicable to the practice of the senate, the bar, or the pulpit; they are equally fit for the *many* or the *few*; they teach how to *reason* as well as how to *move*, and to direct the

the *head*, as well as to *touch* the *heart*. They are so far from being impracticable, that every man of sense who speaks in public, practises them in a greater or a less degree, and they are not founded upon any *hypothesis*, but reduced into a system from the repeated and unvarying experience of their effects. In short, though they are adapted to the use of mankind in general, yet they are most useful to the people, who, of all mankind, in their government and enjoyment of their civil rights and liberties, have the nearest resemblance to the people for whose use they were most immediately intended.

I shall only add, while I am upon this subject, that the following pages are adapted not only for the use of a speaker, but for that of a hearer. They are fitted to enable one to judge as well as to speak. It is through them that the *mist* vanishes, that the *glare* disappears, which *rhetoric* knows how to throw upon *truth* and *reason*. It is from the precepts contained here, that we can trace causes from their effects; it is by them alone that we can fortify our *affections* against the *enchantment of words*, and the artful *attacks of eloquence*. Through them we can be pleased without being deceived, and in one sense they contain the whole art of imposing upon others, without being imposed upon ourselves.

We are therefore to consider our orator as a workman, who knowing the powers of matter

matter and mechanism, finished several machines which produced surprising and unaccountable effects; and this performance as an analysis, or explanation of those properties, and that disposition by which all this amazing power was exerted. We may consider him in another light—in that of a statesman, and this as his political confession, laying open all the art which kept the vessel of government so long from oversetting, after it had been abandoned by the wisest and most skilful of its pilots.

As to my own performance in the following work, I rest its merit entirely upon the judgment of the public. My motives for attempting it before I went farther in the translation of his other works, were, because it is a key to unfold the beauties that lie unobserved in the orations. It was with this view, next to that of the public service, that our author composed this work; and the English reader will, after reading it, enter with double pleasure upon the orations.

M. TULLIUS CICERO

ON THE

CHARACTER OF AN ORATOR.

THE FIRST CONFERENCE.

CHAP. I.

REPEATED reflections on the series of past events, which memory enables me to retrace, have, my dear brother, convinced me that those men enjoy the highest felicity, who, advanced to the first honours of the [a]purest government, and adorned by the glory of their own achievements, are enabled to engage in public affairs with safety, and to withdraw with dignity to the calmness of retirement. And indeed there was a time in which I too thought, that if the multiplicity of my labours at the bar, and the toils of ambition into

[a] *Purest government.*] The Latin has it *optima republica*, by which Cicero means a constitution without any innovations from *corruption* or *power*; the sentiment here is worthy a Roman patriot, who had seen the constitution of his country subverted by a concurrence of both; and we may observe, he insinuates that no honour could be employed with satisfaction to the possessor, if it was not attended with public liberty.

into which I was led, [b]after completing the career of public honours, had rested towards my decline of life, scarce any one could have thought it unreasonable, that I should have then begun to indulge some repose, and to dedicate my abilities to those amiable studies in which both of us are engaged. But those pleasing hopes and schemes were defeated by [c]heavy calamities, both public and private: for [d]in the very place which bade fairest to afford shelter in case of a storm, misfortunes fell with the greatest weight, and the tempest burst with the greatest violence. This blasted my most earnest hopes, and most passionate desires of improving the sweets of retirement, by an amicable intercourse in cultivating those arts to which our early youth was dedicated. For in the commencement of life, I dashed upon the very wrecks of our ancient constitution; in my consulate I steered into the midst of those competitions which threatened to inundate the state, and ever

[b] There is here in the original an allusion to the chariot races, which being frequent and familiar to the Romans, were extremely beautiful in that age, but such a metaphor would appear lifeless and insipid, if we should pretend to adopt it exactly in a translation.

[c] Any person who is ever so little acquainted with the Roman history, must be sensible that Cicero entered upon life just at the period when the Roman liberty began to receive those blows that afterwards subverted it, and in which he himself was a deep sharer.

[d] This possibly alludes to his fine seats, which, upon his banishment, were sold and demolished by the interest and fury of Clodius and his party.

ever since have been buffeting [c]those billows which, after I had repelled from my country, recoiled upon myself. And though my course has been impeded by tempestuous waves, and endangered by shallow straits, I shall still steer in pursuit of those studies in which we have both embarked, and all the leisure which the malice of my enemies, the interests of my friends, or the concerns of my country allow me, I will dedicate to composition. Besides, my dear brother, I shall [f]ever pay the greatest deference to your entreaties and requests, for there is no man alive for whom I have either greater regard, or greater affection.

CHAP.

[c] *Those billows.*] It is plain that the enemies of Cicero would have found it difficult to have affected him legally, had it not been for the uncautious part which he appears to have acted in the Catilinarian conspiracy, in putting the friends of Catiline to death; a conduct which, though he conceived to be warranted by necessity, was by no means agreeable to the principles of the Roman government.

[f] *Ever pay.*] One cannot help observing with what art Cicero reconciles good manners to affection, and admiring a friendship so disinterested, yet so delicate, so full at once of respect and love. There are few passages that I would sooner venture to recommend to a reader than this, since it is certain, that the decay of the passion of friendship, among the moderns, is in a great measure owing to that fulsome freedom, and want of delicacy, which prevails among friends, and which often renders the strictest connections nauseous and cold. The avoiding this, I am convinced, was the true secret that produced such instances of exalted friendship among the ancients.

CHAP. II.

And here I must recal to my memory [s]a conversation that passed many years ago, which I do not, I own, recollect with sufficient distinctness; but which, in my opinion, is directly calculated to answer what you want to be informed of, respecting the sentiments which the greatest and most eminent orators entertained of eloquence in general. For you have often expressed a wish that I should furnish you with a treatise somewhat more polished and complete on that subject, corresponding to the improvement I have acquired, by pleading in causes so numerous and important; because the undigested observations which I collected and published when a young man, appear unworthy of the experience and character I have since attained. And you often differed from me in our conversation upon those points, as I maintained that eloquence comprehends the acquirements of the ablest men, while you imagined that it ought to be considered as quite distinct from the refinements of science, and as founded solely in (natural capacity,) improved by practice. I own, indeed, I have been frequently at a loss to account, when contemplating

[s] *A conversation.*] So much has been said by our best writers in commendation of the manner of treating a subject by dialogue, that it is needless to insist upon its uses here, any farther than to observe, that this subject particularly required to be treated in this manner; since Cicero thereby avoided that dogmatical air, which his treating this subject must otherwise have given him.

contemplating the greatest and ablest men, [h]why fewer have excelled in eloquence than in any other attainment. For to whatever science you direct your attention, you shall find that many have distinguished themselves, not only in the ordinary arts, but in those which require almost the greatest compass of genius. For is there a man existing, who were he to form his idea of public merit by great actions and useful consequences, would not prefer the character of a general to that of an orator? Yet will any one deny, that in this single city innumerable instances of consummate generals, [i]and but few, very

[h] I am sorry to observe, that this remark of our author has in it very little solidity, though it is excellently well calculated for displaying his eloquence. Besides, great part of what he afterwards says, is the common cant of all writers upon the arts they excel in, or want to recommend, and our author has, by varying the expression a little, recommended philosophy as attended with the same excellencies he ascribes to eloquence here. *Vid. Qu. Tusc. L.* 5. § 5.

[i] *Few good orators.*] Suetonius, or whoever wrote the lives of famous orators, accounts for this in a way that it is probable Cicero by no means thought for the honour of his country; for, we are told there, the Roman government was so jealous of the effects of oratory, that neither it nor grammar were suffered to be taught in Rome; and that, under the consulate of Fannius Strabo and Valerius Messala, who by the bye were consuls ninety-eight years before our author, all philosophers and orators were expelled Rome, by a decree of the senate. And indeed such a conduct was extremely agreeable to the maxims of a government which, by that time, had reason to be jealous of the effect which eloquence might produce upon the minds of a people impatient of living under a severe aristocra-

very few of accomplished orators may be produced. In our own days, or in the recollection of our ancestors, many have risen with wisdom and abilities equal to the government and direction of a state, while for a long period not a single orator: and the number of those who have excelled as fine speakers, can scarcely equal the ages that have passed us. But lest it should be said, that eloquence ought rather to be compared with those attainments which lie within the wide and varied circle of the arts and sciences, than with the skill of a general, or the wisdom of a senator, let the person who makes this objection review those very attainments; let him survey those who have made a figure in them; then may he easily form a judgment how many have been distinguished by those, and how few ever have been, or ever can be by eloquence.

CHAP. III.

For you have surely observed, that what is termed by the Greeks Philosophy, is thought by the most learned men to be, as it were, the founder and parent of the fine arts; and it is hard to say how many men, learned, richly and variously endowed in their several professions, have appeared in this science; men, who have not confined themselves to a single province, but either

cy, and watchful of every opportunity to shake off, or at least lessen their dependance on the senate. The experience of after-ages proved that this jealousy was but too well founded.

either by an indefatigable pursuit of [k]first principles, or the clearness of their reasoning, have mastered the whole compass of knowledge. We all know how dark, how perplexed, how complicated, and how subtile is the study of what we call the MATHEMATICS; yet so many great men have appeared in this department, that no man seems to have cultivated it in good earnestness, without succeeding in the attempt. Was there ever [l]a musician, was there ever a professor of what

[k] *First principles*] The terms here used by our author are extremely expressive in the Latin, but cannot bear a translation into English. *Pervestigationi scientiæ* can only signify reasoning from effects to first causes, the noblest philosophy, known to the ancients, and but little attended to among the moderns, who, till lately, for many ages were bewildered in the jargon of favourite systems.

[l] *A musician.*] As no opinion upon our author can have equal weight with that of Quintilian, whose Institutes are indeed the superstructure of that foundation which Cicero has so well laid down in this treatise, I shall take the liberty to transcribe into English a passage or two from him, which proves what opinion the ancients had of music: "Every one "knows, that in former ages this art was not only studied, "but adored, and its professors were esteemed prophets and "sages. Were not Orpheus and Linus (to name no more) "*believed to be* descended of the gods? And it is told of the "first of these, that he not only quieted and charmed the "passions of men and the fury of wild beasts, but even made "the very stones and woods dance after him by the power of "his music. Timagenes says, that music is the most ancient "of all arts. The most famous poets are likewise of the same "opinion; for they introduce musicians at the feasts of kings, "singing the praises of the gods and heroes. Thus in Virgil, "Jopas is singing *Errantem Lunam, Solisque Labores*, by

 "which

what we term the study of grammar, who by intense application did not master the almost boundless power and subject of their several arts? I must at the same time affirm, that in the circle of liberal arts and sciences, we find fewer men eminent in poetry than in any other profession: [m]yet small as is the number of good poets, and very

" which that admirable poet asserts, that music is even joined with the knowledge of divine things."

But these are only a part of the lavish praises he bestows on music. Soon after he says, " Hitherto I have been only " speaking in praise of music, but have not shewn its connec- " tion with oratory; I shall now proceed and shew, that " among the ancients grammar and music were always joined " together. Thus Archytas and Aristoxenus were of opinion " that grammar was subject to music, and tell us, that both " were taught by one master, &c." *Inst. Lib. I. Cap.* 8.

[m] *Yet small.*] Though I very much doubt of this fact, yet admitting it to be true, it may I think be easily accounted for. Eloquence is an art, of which there is not one species that can be universally adapted to all places, ages, and governments: for instance, the species that prevailed in Greece was different from what prevailed at Rome *(See the Preface to the Orations)*; that kind which Cicero used was different from that used by Pliny; the eloquence of the French is different from that of the English, and that of the Italians different from both. Whereas the language of great actions in a hero, of harmony in a musician, of a genius in a poet, or proportion in a mathematician, is a language understood at all times, by every people, and in all ages; it is a language not depending, as success in oratory does, upon the form of a government, the manners of a people, or the caprice of a judge, but founded on principles, and to be examined only by truth.

But what accounts still better for this observation of our author

very small it must be allowed to be, if you shall take the trouble to enumerate those who have appeared both in Greece and in our own country, you will find, upon the comparison, that there

author is, that the true source of perfection in eloquence is emulation. If at a bar of any supreme judicature nobody should appear but those who neglect the ornaments of discourse, a man with equal knowledge of the laws, and very little application to the study of eloquence, may be the best pleader at such a bar, and yet not a good orator; therefore, in reality, good orators have only appeared in ages when emulation prompted them to study; when several great men applying to the same art, each endeavoured to outvie another, till one by his success and popularity eclipsed the glory of the rest, and that happy man in after-times was looked upon as the only orator, and engrossed the palm of eloquence to himself. Nothing can better illustrate this observation, than the fate of those orators who lived in the time of Cicero, who are now known only in his writings.

If it is objected, that poets are subjected to the same disadvantages, I answer—they are, when their case is that of orators, viz. when by the nature of their study they are led into an emulation of each other; for then the fame of the most excellent will swallow up that of the rest; and though the Roman empire in the Augustan age was crowded with poets of all kinds, yet the works of none have come to our hands, but those that in their own age were allowed to excel. But it is possible for two or three poets to live in the same age, and yet not clash with one another. Horace had no jealousy of Virgil: both excelled in a different way, and therefore both have been transmitted to posterity: whereas the others who attempted epic and lyric poetry in that age, and who were *longo proximi intervallo*, have been distanced by time, and shut out of the career of fame. A great deal more might be said on this subject, perhaps I should not have said so much, were it not that Cicero appears in this

passage

there have been more good poets than good orators. This appears still more surprising, as the knowledge of other arts is commonly derived from deep and abstruse sources, while eloquence consists in the most obvious principles, the knowledge of common life, and in the habits and conversation of mankind. In other arts, that is most excellent which lies farthest from the attainment and comprehension of the vulgar; whereas, in eloquence, the greatest error that can be incurred, is to deviate into abstruse expressions, and out of the beaten tract of *common sense*.

CHAP. IV.

Nor can it with truth be affirmed, that more apply to the study of the other arts; that they are animated in the pursuit by more exquisite pleasure, by fairer prospects, or more inviting rewards. Not to mention Greece, which has ever claimed preeminence in oratory, or Athens, where literature in all its branches was nurtured with maternal fondness, and where eloquence from its lowest origin rose to perfection, I will venture to say, that in this very city, no study has

passage to be very partial in favour of his beloved art. Upon the whole, we may venture to say, that this paradox of our author's may be accounted for by the circumstances attending the profession of ancient eloquence, rather than any extraordinary compass of learning, and difficulty that attends the study itself.

has ever been cultivated with more assiduousness than that of eloquence. For after we had acquired and established the empire of the world, and began, from the continuance of tranquillity, to relish repose, there was scarcely a young man of ambition, who did not think it his duty to cultivate eloquence with all the faculties he possessed. At first, indeed, when they were not yet inured [n] to discipline, and destitute of the advantages of regular instruction, they owed all their progress, such as it was, to genius and application; but afterwards, when our countrymen heard the orators, mastered the literature, and employed the professors of Greece, they studied eloquence with incredible ardour. The importance and variety of the art, with the multiplicity of

[n] *To discipline.*] The reader may now perceive, that, in Cicero's opinion, there is a great difference betwixt a *well-spoken man* an an *orator*. I own that I conceive a very high opinion of the eloquence of those brave Romans who must have spoke good sense and manly sentiments, before eloquence became an art, and in some measure a trade. Quintilian, however, has admirably well explained this point.

"Do not even the bees extract that fragrant taste which "honey alone can impart to human sense, from very different "flowers and juices? Is there any wonder that eloquence "(which is the greatest gift heaven has given to men) requires "many arts to perfect it? and though they do not all appear "in an oration, or seem to be of any use, they nevertheless "afford an inward supply of strength, and are silently felt in "the mind; *without these a man may be eloquent, but I want "to form an orator;* and none can be said to have all the re-"quisites, while the smallest thing is wanting." *Inst. Orat.* "*L.* 1. *Cap.* 7.

of the causes of every kind, induced them to unite with theory, which they had attained by study, that practice which far surpassed in efficacy all the rules prescribed by their ablest masters. At that time, likewise, as now, the greatest rewards were annexed to the profession of this art, with regard to popularity, interest, and honour; and the °capacities of Romans, as we may judge from many instances, were far superior to those of other nations. All this being considered, have we not reason to be surprised, that in so long a period of time, in circumstances so favourable, and in communities so various, the number of *good* orators should be so inconsiderable? But in truth, this faculty is more arduous, and comprehends far greater and more numerous acquirements than is generally imagined.

CHAP.

° *Capacities of Romans.*] This is so very wide of what Cicero himself knew to be the truth, that I am apt to think that he meant it ironically. Had he indeed lived some years later, he might have had some shadow of a pretence to have disputed the prize of excellency in eloquence and poetry with Greece in favour of Rome; but it is impossible he could be serious in what he says here. Architecture, eloquence, painting, music, mathematics, were arts in his time unknown to Rome, otherwise than as they were imported from Greece, who long before had brought them to the highest perfection. In short, he speaks here with a more than poetical licence, for Virgil has given up the point.

CHAP. V.

FOR what other cause can be assigned for the paucity of good orators, where the students are so numerous, the teachers so many, their capacities so excellent, the subjects so various, and the prizes so inviting, but to the amazing difficulty and extensiveness of the attainment? For there must be a fund of universal knowledge, without which the greatest fluency of speech will appear vain and ridiculous. Words must not only be well chosen, but properly disposed, and the speaker must have a thorough knowledge of all the affections which nature has implanted in the soul of man, because an orator is often called upon to employ all the force of eloquence, either in soothing or exciting the passions of his audience. With those must be added a certain grace, a sportive raillery, a liberality inseparable from a cultivated mind, a quickness and precision in repelling or attacking the adversary, joined with insinuating address and polished manners. He that aspires to the character of an orator, must likewise possess a perfect knowledge of antiquity, know how to apply precedents, and be conversant [p] in the laws both

[p] Orig. *Legum aut juris civilis.*] By the first he means the laws of nations, which were the foundations of general society. But the *jus civile* was appropriated to the citizens of Rome. A passage in our author, *de Officiis*, lib. 3. cap. 17, explains this difference, *Quod civile non idem continuo gentium, quod autem gentium idem civile esse debet.* See the translation of *de Officiis*, and note, p. 183.

both of nations and of particular states. Why need I mention *action* itself, which must be regulated by the motion of the body, the gesture, the look, joined to correctness of pronunciation and command of voice? Of how much importance this action is in itself, is demonstrated even by the trivial art of theatrical exhibitions. For though the chief excellence of an actor consists in adjusting his looks, his features, and gesture, does not every body know that few of them ever were, or can be endured with patience? Need I mention memory, that magazine of all knowledge, which, unless it becomes the faithful guardian of stored thoughts and inventions, renders other accomplishments, though possessed in the highest perfection, of no use to an orator?

Let us therefore be no longer surprised, that there are so few orators, since eloquence consists in a variety of accomplishments, any one of which it is a very difficult task to attain. Let us rather advise our children, and those whom we wish to see make a figure in the public stations of life, to reflect maturely upon the importance of the object, and to pursue it by means more efficacious, than the instructions and practice in common use.

CHAP. VI.

INDEED, no man can, in my opinion, deserve the praise of an accomplished orator, without a perfect knowledge of all the arts, and every thing

thing that is great; for it is from this acquaintance with the world that eloquence must receive its flow and its embellishments. Without this, let a subject be ever so well considered and understood by an orator, still there will be something feeble, and almost childish in his expression; yet I am far from laying such a burthen upon orators, especially those of this city, amidst such a hurry of business and multiplicity of affairs, as to require that they should be ignorant of nothing. Though indeed the energy of eloquence, and the profession of true oratory, seems to undertake and promise that an orator should be able to treat every subject that shall fall in his way with elegance and copiousness. But as this, I doubt not, will appear to most too arduous and extensive, and as I perceive that the Greeks, who possessed not only genius and learning, but ease and leisure for study, made a division of the arts; that one man did not embrace the whole circle, but set apart from every other species of elocution that which was more immediately adapted to disputes at the bar or deliberation in the senate, allotting that alone as the province of an orator: for these reasons I shall, in these pages, only treat of those principles which, after mature deliberation, and a long discussion, are almost universally allotted to this single species of eloquence. For this purpose I shall not detail the precepts which we learned, as it were, in the very cradle of education, but repeat the arguments which I heard formerly urged in a debate among

this conversation being over, that, such was the graceful versatility of Crassus, when they withdrew to supper, nothing of the melancholy air that mixed in their late discourse appeared; so pleasant was his manner, and so well did he know how to exert his pleasantries, that though the day appeared to have been spent in the senate, yet at night they found themselves round the social board at Tusculanum. Next day, after the old gentlemen had sufficiently reposed, continued Cotta, they went, all of them, out a walking, when Scævola, after two or three turns, observed, Why Crassus, do we not imitate Socrates in the Phædrus of Plato, of which I am reminded by this plane-tree of yours, which to me appears by its spreading boughs as proper for shading this place, as was that which Socrates used to frequent; and which, in my opinion, flourished not so much by the rivulet which fed it, as by the lines of Plato which described it; if therefore he with his hard feet reposed upon the grass, where he delivered those sentiments which philosophers ascribe to divine inspiration, surely there is greater reason that my tender feet should be indulged in the same way. Very true, replied Crassus, but you shall sit still more commodiously, and then he called for cushions, and so all of them sat down upon the benches under the plane-tree.

CHAP.

CHAP. VIII.

COTTA used farther to tell me, that in order to wear off the impressions which their last day's conversation had made upon their minds, Crassus turned the discourse upon the study of eloquence; that he introduced what he had to say by observing, that Sulpicius and Cotta did not appear so much to require instruction as praise; since they had already attained to such a degree of perfection, as not only to excel those of equal age, but to rival speakers of more experience and riper years; nor indeed, continued he, can I conceive any thing more excellent than to be able by eloquence to captivate the affections, charm the understandings, and direct or restrain, at will, the passions of whole communities. This single art has, amongst every free people, especially in peaceful settled governments, met with the greatest encouragement, and been attended with the most powerful efficacy: for what can be more worthy of admiration, than that, amidst an infinite multitude, one man alone, or in conjunction with very few, should be capable of doing what Nature has put in every man's power? Or can any thing impart such exquisite pleasure to the ears and understanding, as a speech to which sentiments give dignity, and expression, embellishment? Is there any thing so commanding, so grand, as that the eloquence of one man should direct the inclinations of the people, the consciences of judges, and the majesty of se-

nates? Can, moreover, any thing be deemed so worthy of a generous and patriotic prince, as to relieve the suppliant, to raise the fallen, to communicate happiness, to avert danger, and to save a[a] fellow citizen from exile? Can any thing be so necessary as to be furnished at all times with those arms, which, while they defend yourself, serve to attack the profligate, or redress any insult to your own character? But without always dwelling upon the forum, the benches, the rostra, and the senate; can any thing in retirement from business be more entertaining, more consonant to polished manners, than a language cultivated and sprightly on every subject? For this is the characteristic of our nature, which distinguishes us from brutes, that we have a social intercourse with one another, and are able to convey our ideas by speech. Must not every man then prefer this attainment, and own that to excel mankind themselves in that quality which raises them above the brutes, ought to be his principal study? But that I may mention the chief point of all, what other power could have been effectual, either to collect the dispersed individuals of mankind into one community, or to bring them from savage barbarous life, to a social regulated intercourse; or, after states were founded,

[a] The original is *retinere homines in civitate*, see oration for Milo, § 3. where he applies the same expression to his circumstances. The Romans were very delicate with regard to mentioning punishments, especially those that were capital, and if possible softened the terms.

founded, to enact laws to govern them, or to administer justice for their protection? To sum up in one word a subject almost boundless, I lay it down as a maxim, that upon the prudence and abilities of an accomplished orator, rests not only his own dignity, but the welfare of individuals without number, and even whole communities. Proceed therefore, my young friends, and employ the study in which you are engaged to your own honour, to the advantage of your friends, and the service of your country.

CHAP. IX.

To this Scævola replied, with his usual courtesy, In many things I agree with Crassus; far be it from me to impair the credit and honour of the profession of either my father-in-law, Lælius, or my son-in-law, Crassus; but, my friend, it is with some difficulty that I can admit two things you have advanced. The first is, that states were originally constituted, and have been often preserved by orators; the other is, that setting aside the forum, the public assemblies, the courts of justice and the senate house, you supposed an orator to be accomplished in every kind of eloquence, and all the duties of society. Will any man pretend, that when mankind in early ages roved on mountains and forests, they were induced to associate not by the counsels of sages, but that the harangues of orators softened them into humanity, and brought them to live within

towns and walls? Or, indeed, that other wise regulations, either in establishing or preserving states, were owing to those who spoke with ease and elegance, and not to the wise and powerful? Do you indeed imagine [t]Romulus assembled his shepherds and mixed multitude, executed the scheme of the Sabine marriages, and repelled the power of the neighbouring states by his eloquence, and not by his foresight and wisdom? But farther, what say you of Numa Pompilius, what of Servius Tullius, what of our other kings, who made many wise regulations in settling this state, is there the least trace remaining of their eloquence? Nay, when monarchy was abolished, which I will venture to say was accomplished by the resolution, and not the eloquence of [u]L. Brutus; is it not manifest that all the great things performed afterwards, were full of wise conduct, but void of all eloquence? Were I inclined to produce instances in our own history, and in that of other states, I could undertake to point out more examples in which men of the greatest eloquence

[t] *Romulus.*] Every body who is in the least acquainted with the Roman history, knows that of this father of the Roman state; we may only by the bye observe, that the affairs of the infancy of their city were not looked upon as fabulous in Cicero's days, whatever they have been since.

[u] *L. Brutus.*] Though this great man was no orator, yet, if we may believe Livy, he was a very eloquent person. There is, however, great reason to be of Scævola's sentiments here, for it is probable that the fine speeches put in the mouths of his heroes, are all owing to the fruitful vein of the historian.

quence have been prejudicial, than all that can be brought of their having been serviceable, to their country.] But not to mention others, the two most eloquent men I ever heard, except Crassus, you and my friend, were, in my opinion,[w] Tiberius and C. Sempronii, whose father was wise and dignified, but far from eloquent; and who, upon several occasions, especially when censor, did the most important services to his country; yet this man [x]transferred the sons of freed-men into the city tribes, not by a correct flow of eloquence, but by a nod, or a single word; which, unless he had accomplished, that constitution, of which we now possess only the shadow, had completely disappeared. But his eloquent sons, formed to the art of speaking by all the advantages of nature and learning, though they entered upon a government, rendered glorious both by the conduct of their father, and the courage of our ancestors, ruined the commonwealth by that eloquence, which, according to you, is best able to govern states.

CHAP.

[w] *Tiberius and C. Sempronii.*] Our author means the celebrated T. and C. Gracchi, whose great abilities, integrity, and eloquence, have not had the good fortune to be transmitted to posterity in that favourable light, which, to any person who can without prejudice reflect upon the true maxims of Roman liberty, they must appear in.

[x] *Transferred*, &c.] This had been before effected with regard to four city tribes, and it was an excellent expedient to balance the ambition of the people.

CHAP. X.

FARTHER, need I to mention the institutions and customs of our ancestors? Or the auspices over which you and I, Crassus, preside, to the great service of our country? Need I to mention our rites and ceremonies; or that jurisprudence that has been, without the aid of eloquence, long in our family; was that discovered, was it known, was it ever so much as touched upon by the tribe of orators? Let me add, that I knew Servius Galba, whose eloquence was divine, Marcus Æmilius Porcina, and Cn. Carbo himself, whom you, when but a very young man, surpassed, were both unacquainted with our constitution, unskilled in the institutions of our ancestors, and but novices in the civil law; and even the orators of the present age are strangers to the laws of the twelve tables, excepting you, Crassus, who, led by curiosity, rather than any province annexed to eloquence, studied the civil law under me, though it is to their shame I say so. As to the liberty you assumed in the latter part of your speech, as if an orator could never be at a loss to bear a very considerable share in discussing every argument that may fall in his way, were we not upon your own territories I should not suffer it, but put myself at the head of a numerous body, who would certainly either bring[y] an

[y] *An action.*] The original is *interdicto tecum contenderet*, which is, that they would bring the pretor's decree against him.

an action against you, or [z] seize you as an intruder upon a province, to which you have no claim. For in the first place, the disciples of Pythagoras and Democritus would fall upon you; and the other philosophers in their several ways; and men of great weight and dignity would go to law with you, and, in that case, you must have a very [a]unequal chance for success. Besides, a whole corps of philosophers, with Socrates at their head, would assail you, urging that you had never studied; nay, that you had not even attempted to enquire about what is morally good or bad in human conduct, the passions of the mind, or the end of living; and after they had thus attacked you in a body, you must then enter the list with each particular sect amongst them. The [b]academicians would oppose you, and deny that you knew one single proposition you advanced. Our countrymen, [c]the Stoics, would

[z] *Seize you as an intruder.*] There is another civil law term here; *manum conserere* was the form of challenging property; the person saying at the same time *meum est*.

[a] *Unequal chance.*] Orig. *justo sacramento contendere non liceret. Contendere sacramento* was when both parties put a sum of money into the hands of the priest; upon the decision of the cause the loser to forfeit his deposit to sacred uses, and the other to have his returned. *Justum sacramentum* was when the case was so doubtful, it was hard to say who would be gainer.

[b] *Academicians.*] They were generally sceptics, and used to puzzle their antagonists by denying every thing, but that they knew nothing.

[c] *The Stoics and Peripatecians.*] To describe these two

would harass you by debates, or entangle you by questions. The Peripatetics would quite confound you, by insisting that those very qualifications, which you think to be the character and beauty of eloquence, can only be found amongst them; and they would prove that Aristotle and Theophrastus wrote not only better, but more upon that subject than all the professors of eloquence that ever lived. I pass over in silence your mathematicians, your grammarians, your musicians, whose arts have no manner of connection with the qualities you require in an orator. For these reasons, my friend, we ought not to entertain so high an opinion of the extensiveness and importance of this art; what you are able to effect, in reality, is a great deal, that whatever cause you shall undertake to plead, always appears the best and most probable; that in all public discussions the result is very much influenced by your eloquence. In a word, men of sense allow you to be eloquent, and fools believe you to be in the right. If you can effect more than this, you effect it, in my opinion, not by qualifications which are common to orators, but by advantages which nature has bestowed in particular upon yourselves.

CHAP.

sects of philosophers would take up more room than can be spared in these notes. There is an excellent account of them in Stanley's Lives of the Philosophers.

CHAP. XI.

I KNOW, Scævola, replied the other, that the Greeks maintained these opinions: for I have heard some of the greatest men of that age, when I came, as quæstor, from Macedon to Athens: at which time it was thought that the academy was in its glory, under the inspection of [a]Charmades, Clitomachus and Æschines. Metrodorus likewise then flourished, who, together with them, had been the constant hearer of the famous Carneades, who was said to be the ablest and most copious speaker then living. Mnesarchus was then in vogue, and the hearer of your tutor Panætius, together with the Peripatetics Critolaus and Diodorus. Besides these, many philosophers, celebrated for their talents, at that time unanimously were for deposing [b]the orator from the government of states, and excluding him

[a] We are obliged to the learned Dr. Pearce for rectifying this name, which in former editions stood Carneades.

[b] *The orator.*] In a state, such as was that of Rome, the qualifications of an orator only could be attained by a regular course of application to that single study; but I believe any man of tolerable sense must see that such an orator must be somewhat ridiculous in the present age, and be looked upon as a pedant. It is true, there is a certain species of the ancient eloquence still required, and no doubt has a very great effect, but the art of the speaker then will consist in his concealing his art. But as to the chief point in which a good speaker in Britain shines, which is that of debating, it is plain, from many instances of the greatest men, that a speaker may excel without either study or application to the art of eloquence.

him from all knowledge of the higher scenes of life, degrading and pinning him down to hard labour in courts of justice and petty cabals. But I neither agreed with them, nor with Plato himself, who first advanced those opinions, and far surpassed them in strength and elegance of language. I was then reading his Gorgias with Charmades at Athens; a book in which I could not help admiring the author, who in ridiculing orators, appears to be a complete orator himself. For disputes about words have long perplexed the petty wits of Greece, who are far more contentious for victory than for truth. But if it were allowed that the only qualifications of an orator is to speak with copiousness at the bar on any point of justice, yet, with this limitation, his attainments must be great and various: for even in treating those subjects with accuracy and clearness, he must be possessed of great experience in civil affairs, with an insight into our statutes, customs, and laws; he must likewise be a competent judge of human nature and manners; and the man who is master of all these, without which even the smallest point that occurs cannot be rightly maintained, what can such a man be said to want in the knowledge of the most important affairs? But admitting that the province of eloquence extends not beyond an accurate, polished and copious style, let me ask you how can even these requisites of composition be attained without that kind of knowledge which you deny to it? For eloquence can never exhibit all its force,

force, but where the orator is a complete master of the subject. Therefore if Democritus, the famous natural philosopher, spoke so gracefully as it is said, and as I admit he did, his subject indeed was natural philosophy, but it was [f]the art of oratory that gave the embellishment to his discourse. And if Plato, as I must allow, discoursed divinely upon points the most remote from political disquisitions; if Aristotle, if Theophrastus, if Carneades wrote with propriety and beauty on the several subjects they discussed; those subjects belonged to distinct arts: yet their method of handling them was peculiar to the faculty, the merits of which we are now examining. As a proof of that, we know that others have spoken without interest and without effect upon those very points; for instance, Chrysippus, who is said to be a man of the greatest penetration; and yet was not the less complete philosopher for not possessing this faculty, in an art foreign to eloquence.

CHAP. XII.

WHERE then lies the difference, or how can you discern the flowing and copious eloquence of those

[f] *The art of an orator.*] Cicero would never have advanced this proposition had it not been from the excessive passion he had for his own profession, since nothing is more plain, from daily experience, that a clear head and a comprehensive knowledge of a subject will make almost any man eloquent, though he should never read a word upon the art of an orator.

those I have named from the feebleness of such as are destitute of this command and propriety of expression? In short, there is one thing which the masters of the art of speaking claim as peculiar to themselves; a style graceful, adorned, and distinguished by certain masterly touches, and ingenious polish. Yet all this beauty of language, if the subject itself is not thoroughly understood and comprehended by the speaker, must be either empty or ridiculous: for what can look more like a madman than to pour out an empty jingle of words, let them be ever so beautiful or well chosen, if they are connected by no method or meaning? If, therefore, an orator, in any art and branch of science, should study a subject with as much application as he would a client's cause, he would deliver himself with more [z] propriety and elegance than even the inventor and artist himself could be able to do. For if one should affirm that certain discussions are peculiar to orators, and that their knowledge of some points is confined within the pale of the forum, I will own indeed that those of our profession are most conversant in debates of this kind,

[z] *Propriety and elegance.*] This in one sense may be true, but if we regard the ends of speaking, which are to move and persuade, we shall find that the true way to succeed is to feel. A man who is himself deeply interested in an event will, with equal capacity and no study, make greater impressions before a judging assembly than another with all the application and art of an orator that Cicero was ever able to lay down. The reader will perceive that I all along take it for granted, that Cicero in the person of Crassus gives us his own sentiments.

kind, but in respect even to these there are many things which the professors of rhetoric neither teach nor understand. For who does not know that the principal force of eloquence consists in awakening the soul to anger, to hatred, to grief; or to recal her from these affections to gentleness and pity? This arbitrary command of the passions can never be effected, but by one who has a thorough knowledge of mankind, the whole extent of the human faculties, and those motives which impel or check the soul. Yet all this appears to be the province of philosophy, and, were an orator to be guided by me, he would never deny this; but after he has granted them this knowledge, which is the sole end of their study, let him assume to himself the method of treating it, without which the knowledge itself cannot exist. For, as I have often said, the province of an orator is to use a language that is proper, graceful, and suited to the affections and understandings of mankind.

CHAP. XIII.

I own that Aristotle and Theophrastus have treated of those matters; but observe, Scævola, that this is in favour of my position. For I do not borrow from them what is in common to philosophy and eloquence; but they own that all their disputations upon these points belong to orators. For this reason, they describe their other works under denominations borrowed from

the several arts they treat of, but they call these books of rhetoric. When, therefore, as it often happens in the course of their publications, they speak of the immortal gods, of piety, of concord, of equity, of friendship, of laws, of society, of nature, of nations, of temperance, of magnanimity, and, in a word, of all the moral duties, the academies and the schools of philosophers exclaim, all to a man, that all these subjects belong to them, and by no means to the orator. I shall not deny them the privilege they assume of discussing, in obscurity, all these subjects; yet I affirm that the orator dilates with perspicuity and elegance on those points which they dispute with barren and inanimate frigidity. I conversed on these topics with the philosophers who then flourished in Athens, at the instigation of my friend M. Marcellus, who was then a very young man, ardently devoted to these studies, but who is now curule ædile, and who, were it not for the games now celebrating, would have made one of our company. In respect to the enacting of laws; to the questions of peace and war, of forming alliances, imposing taxes, and of political subordination, let the Greeks, if they please, alledge that Lycurgus or Solon, whom, by the way, I look upon as accomplished orators, were much better skilled in these subjects than Hyperides or Demosthenes, who excelled all others in the art of speaking; or let them prefer our decemviri who compiled the twelve tables, and who certainly were men of sagacity,

to

to Servius Galba, or your father-in-law, Caius Lælius, to whom the palm of eloquence is universally allowed. For I will never deny that there are certain arts peculiar to those who have made it their whole study and pursuit, but I call him the finished and accomplished orator, who can speak, on every subject, with copiousness, accuracy, and variety.

CHAP. XIV.

For, very often, in those causes which are universally allowed to be within the province of an orator, there is something to be derived, not from the practice of the bar, which is the only knowledge you allow to public speakers, but from some more abstruse science. Let me ask you if a man can plead either for or against a general without knowing military affairs, and often without being acquainted with the situation of maritime and inland countries? Can he speak before the people either for enacting or forbidding a law? or can he talk of civil polity in general in a senate, without the deepest insight and sagacity with regard to civil affairs? or can he apply that predominant effect of eloquence in inflaming or extinguishing the affections and emotions of the soul, without attentively surveying all those causes which are explained by those who have treated on moral and natural philosophy? I know not whether what I advance is likely to meet your approbation, but I hesitate

not to speak my sentiments. The knowledge of physics, mathematics, and of the other arts, which you, some time ago, laid down as appropriated to their several professions, belong to those who profess them; but if a man wants to explain those very arts, he is obliged to have recourse to eloquence. For admitting that the famous Philo, the architect, who built [h] the arsenal at Athens, gave the people a very eloquent account of his work, yet we must not suppose that this was owing to the art of architecture, but of eloquence. Nor, if Antonius here were to plead for [i] Hermodorus, in regard to the construction of ships, after he had made himself master of his subject, can we imagine that he would not be able to talk of it with perspicuity and elegance, though an occupation foreign to his own? Or that Asclepiades, who was both my friend and physician, and is more eloquent than any other of that faculty, was indebted for his graceful way of speaking to the study, not of eloquence, but of physic. For this reason the declaration of Socrates was rather plausible than true, that every man is sufficiently eloquent on subjects of which he has a thorough knowledge. He had been nearer the truth had he said, that as

[h] *The arsenal.*] Pliny, lib. 7. speaks of this arsenal, and tells us that it was so commodious, and so large, that a thousand ships might have been drawn up to it, and might have lain dry, without being exposed to the injuries of the weather, or the seas.

[i] *Hermodorus.*] He was a famous ship carpenter.

as no man can be eloquent upon a subject on which he is ignorant, so no man, however conversant with his subject, can ever talk eloquently upon that subject, if he is ignorant how to form and polish his discourse.

CHAP. XV.

If, then, a comprehensive definition of an orator were to be given, I would say that the speaker, who justly claims this respectable name, is he who, upon all subjects, shall be able to deliver his sentiments with accuracy, perspicuousness, grace, and fluency, accompanied with a certain dignity of action. But if any one should think that I speak too indefinitely when I say upon all subjects, let him, as far as he thinks proper, limit the definition; yet if an orator is ignorant of the properties of other arts and studies, and shall only retain what is appropriated to debates and the practice of the bar; if he is to speak upon subjects belonging to those arts; I maintain that this orator will speak much better, after he is instructed in them by the respective professors of each, than even those professors themselves. For instance, were my friend Sulpicius here to speak on military affairs, he would first apply for instruction to my kinsman Caius Marius, and then he could talk of it so as to seem, even to Caius Marius, almost to understand the subject better than himself. Suppose the point of discussion to be

civil law; he would then apply to you, and, notwithstanding all your skill and experience in that study, excel you in those very subjects which he learned of you. Should a cause occur, in which he must make some strictures on the nature and vices of mankind, on the passions, on temperance, chastity, sorrow, or death; perhaps if he sees occasion, (though an orator should know those things), he may confer with that learned philosopher Sextus Pompeius. He will, at least, be able to surpass, in eloquence, the person, whoever he may be, that furnished him the instruction. But if my opinion may be followed, since philosophy is divided into three branches, natural, argumentative, and moral, let us indulge ourselves so far as to abandon the two first; but unless we adhere to the third, which has still been the character of eloquence, we leave nothing to an orator in which he can shine. That branch of philosophy, therefore, which regards the conduct and morals of mankind, must be completely understood by an orator; and though he does not study the other branches, yet, if he has occasion, he will be able to embellish them by his eloquence, provided they are communicated and delivered to him.

CHAP. XVI.

For if it is certain among the learned that [k]Aratus, a man quite ignorant of astronomy, treated of

[k] *Aratus.*] This poet was a Sicilian patronized by Antigo-

of the heavens and the constellations in most beautiful and charming numbers; if Nicandar of Colophon, a person very remote from rural scenes, wrote in the true genius of poetry, and not in a style of rusticity, what should hinder but that an orator should treat those points, which he may study for a particular purpose, with the greatest eloquence? For poetry has a near affinity to eloquence; the poet is indeed a little more confined to numbers, but then he can take greater liberties in the choice of his words, and in most of the arts of embellishment he is on an equality with, or at least not much inferior to, the orator. [1]In one respect I will venture to say they are nearly the same; for the orator prescribes no bounds or limitations to his province,

Poetry & oratory

nus, King of Macedon, and cotemporary with Menander and Callimachus. Cicero was so much in love with his writings, that he translated his Phænomena, some part of which translation is now extant.

As to the doctrine which our author here lays down, there is nothing more certain than that a poet may describe an art without studying it, or particularly applying to it. But I am afraid it will be found there is a difference betwixt writing in verse, where a very superficial knowledge is required to make a very fine episode; and speaking of them in prose, where it is expected all the terms made use of are to be clearly laid down, and in case of any difficulty or reply they must be explained, which can never be done without the speaker being a perfect master of his subject.

[1] *In one respect.*] This is true with regard to the principles of eloquence laid down and practised by Cicero; but certainly it does not hold as to the Greek manner, where truth alone is the object, or at least appears to be so.

province, so as to confine him from using the same liberty, and freedom of ranging, as he pleases. Why then, my friend, should you say, that were you not upon my territories you would not have borne with me for affirming that an orator ought to be a complete master of eloquence and all liberal knowledge? I should not, indeed, have mentioned it, did I imagine myself to be such a person as I describe. But as C. Lucilius, a man of letters and good breeding, but with whom you are displeased, and for this reason less intimate with me than he could wish, used frequently to say, (and I entirely agree with him) that no man ought to be accounted an orator, who was not thoroughly accomplished in all those arts that become a gentleman; and though it might not be proper on all occasions to display our knowledge of them, yet it should always appear that we are not strangers to them. For instance, a man who plays at tennis, though while he plays he does not use the very airs that he learned at the fencing school, yet we can easily perceive from his movements whether he has learned them. From the rude draught, in which a particular piece is sketched, it may easily be discovered, though unconnected with painting, whether or not the author can paint. Thus, in the very speeches delivered before judges, in assemblies, and senates, though the speaker does not make any immediate application of those arts, yet it is easily discerned whether he is a pedantic declaimer, or trained to

eloquence

eloquence by all the arts that belong to a liberal education.

CHAP. XVII.

As you so well illustrate, by your own talents, the art for which you contend, replied Scævola, smiling, I will, to use your own allusion, *wrestle* with you no longer. You agree with me as to those things which in my opinion do not belong to an orator, yet, I know not how, you have in a manner retorted your argument, so as to prove them the properties of eloquence. After I came to Rhodes, when I was prætor, and communed on what I had learned from Panætius, with Apollonius, the celebrated master of his profession; he indeed, as usual, with affected contempt, ridiculed philosophy, and said a great many things in which there was more wit than wisdom; but you have formed your argument so as not to despise any art or profession, but pronounced them all the attendants or handmaids of eloquence. Should any one man be master of them all, and to these accomplishments join that of [m]a complete orator,

[m] *A complete orator.*] Our author's inordinate passion for praise, made him seize every opportunity of drawing his own picture as an orator; it would appear from this and many other passages, in a few pages following, that he imagined it must have a likeness, if all the fine things that he could form in imagination were crowded into it; that it was impossible to overdo in this respect, and that the more beautiful it was it must bear the stronger resemblance.

orator, I must confess he would be an extraordinary character and deserving of high admiration. But if at any time such a character existed, or can hereafter exist, you are the person who, in my opinion, and in that of all mankind, have realised it, and surpassed all other orators (whom I wish not to offend) in the glory of eloquence. But though you want nothing that can qualify you either as a speaker or a senator, yet give me leave to say, after all, that you are not master of all that knowledge to the extent which you require in an orator; let us therefore examine whether you do not require more than either the nature of the thing, or truth itself, can admit of.

Let me put you in mind, says Crassus here, that I did not talk of my own accomplishments, but of those of an orator. For what could I learn or know? I who entered upon action before I entered upon my studies! I, who was even worn out by my application to the business of the forum, of ambition, of my country, of my friends, before I was capable to suspect I should be employed in those weighty points! But if you have so favourable an opinion of me, to whom you are so kind as to allow some degree of capacity, (yet still I was deprived of the opportunities of study, of quiet, and, if I must say it, of that ardent thirst for knowledge that is so necessary,) what will be your opinion of a man who has improved more genius than I possess, with those qualifications that I have never attained?

How

How great, how complete an orator, must such a man be!

CHAP. XVIII.

You, answers Antonius, are yourself, Crassus, a proof of what you advance; and I make no doubt but a person would be a much more powerful speaker, if he possessed all the treasures of knowledge, in nature and in the arts. But, in the first place, that is almost impracticable, especially considering our profession and business; and then it is to be apprehended that the pursuit of knowledge so comprehensive would preclude the practice of pleading with fluency in the forum, or before the people. For, to me, the persons above mentioned seem to have possessed a different kind of eloquence, though it must be allowed that they spoke with great beauty and energy upon natural or moral subjects. Their manner of discoursing had somewhat in it that was elegant and sprightly; but then it was more proper for an exercise at school, or a college, than for our crowded assemblies and forum. For I myself, who began very late in life to study Greek, and then attained only to a smattering of it, after I had come to Athens as proconsul, in my road to Cilicia, was detained there a good many days, because the [n]seas were then dangerous.

[n] *Seas were dangerous.*] In the original there is various

ous. As I had every day along with me very learned men, most of whom were the same with those you lately mentioned, and who supposing, like you, I know not on what authority, that I was frequently concerned in some causes of consequence, used, each in his own way, to debate upon the duty and qualifications of an orator. Some of them, such as Mnesarchus, affirmed, that those, whom we term orators, were men, who, by frequent practice, acquired only a correct volubility of speech: but that no man, unless he is a philosopher, can be an orator; that eloquence itself, which is the same thing with knowing how to speak well, is a talent; that the man who possesses one faculty, possesses all other faculties; and that all faculties are in their own nature equal; hence, said they, the man who is eloquent possesses every faculty, therefore an orator is the same with a philosopher. But this crabbed, insipid reasoning was very disagreeable to our notions. Yet Charmades treated those subjects in a much more diffuse manner; not that he would speak his own sense of the matter, for it is a custom hereditary in the academy to be eternally disputing; but the drift of all his discourse was to prove, that they who are termed rhetoricians, and they who teach the art of speaking, cannot possess any one excellency, or ever attain to the smallest share of eloquence, unless they have studied the discoveries of philosophy.

CHAP.

readings, and the passage may be translated either as I have, or *waiting for the opportunity of a ship.*

CHAP. XIX.

THEY were opposed by some eloquent Athenians, men well versed both in law and politics, amongst whom was Menedemus, who lately was at Rome and my guest. This person, who was naturally quick, was attacked by another richly endued with learning and experience, to a prodigious variety and extent, who maintained that there was a certain knowledge requisite to judge right with regard to the establishment and regulation of civil societies. He likewise insisted that all the branches of knowledge must be derived from philosophy; that all the constitutions of government, religion, education, justice, patience, temperance, moderation, and the other virtues, without which states cannot subsist, or if they could, cannot be well regulated, were never to be found in their pamphlets. But if those teachers of rhetoric did comprehend within their own art the force of these important subjects, he asked why their books were filled with exordiums, epilogues, and other puerilities, as he called them; maintaining that there is not a tittle to be found in their compositions about the modelling of states, the composing of laws, about equity, justice, truth, governing the passions, and regulating the morals of mankind. He went even so far in ridiculing their doctrines, as to shew that they were not only void of all the learning they arrogated to themselves, but even of the very art and power of speaking. He laid it down as a maxim that the principal aim of a good orator is

to appear to his audience the very man he wishes they should take him to be. That this could only be effected by a dignity of character, of which these teachers of rhetoric are silent in their rules, and by making every impression upon the minds of the audience that the orator desires; that it is impossible to succeed in this, if the speaker is ignorant in how many different ways, by what subjects, and by what artifices of language, the passions of mankind are moved and directed. But that all these were points which lay concealed in the bosom of philosophy; points, of which those pretended masters had not imbibed even a smattering. Menedemus endeavoured to confute this doctrine by authorities, rather than by arguments; for he repeated by heart a great many fine passages from the orations of Demosthenes, and endeavoured to prove from thence, that Demosthenes knew well how to touch and direct, as he pleased, the minds both of the judges and the people, which are the means of attaining that end which the other said could be obtained only by philosophy.

CHAP. XX.

To this his opponent answered, that he did not deny, but that Demosthenes was a skilful master of all the powers of eloquence; whether he had attained this by the force of genius, or by his attendance on Plato, of whom he indisputably was

a follower; but that the question respected not what *he* could effect, but what *they* taught. He likewise went so far as to dispute whether there absolutely was such an art as that of speaking, and supported his opinion by the following arguments: that we are born with a power of soothing and conciliating those whom we want to court; of terrifying our foes by menaces; of explaining a fact; of enforcing what we wish should be believed; of refuting what we oppose; and of concluding in affectionate and pathetic terms; qualities, in which the whole art of an orator is employed. He farther insisted, that custom and practice both quickened the understanding, and improved the faculty of speech. He then had recourse to a variety of instances; and first alledged it as an acknowledged fact, that no writer upon eloquence was himself tolerably eloquent. This he confirmed by the example of *Corax and Tisias, who appear to have been the inventors of, and leading men in, this profession. At the same time he brought innumerable examples of very eloquent men, who never made it their study, or never made it their care to attain the knowledge of it. Among others, whether he thought so, or heard it as the opinion

* *Corax and Tisias, both of them Sicilians, are the most ancient writers upon the arts. Quintilian inst. lib. iii. cap.* 1. Quintilian, no doubt, means that they were the first that treated the arts systematically, for there were many excellent authors in most arts before their days. They were cotemporary with Hiero of Syracuse, 475 years before Christ.

opinion of others, I cannot say, he instanced ME as one who had never studied it, and yet, as he was pleased to say, understood a little how to speak. I readily admitted the first of these positions; that I had never studied any thing on this head; but as to the other, I thought he was deriding me, or perhaps himself mistaken. He next even denied that there could be any art, but what consisted in principles that were self-evident, thoroughly examined all tending to one point, and always consistent; but that every thing delivered by orators was doubtful and uncertain; since the teachers themselves were not quite masters of what they were teaching, and their scholars were to learn, not a science, but a mistaken, or at least a doubtful, short-lived opinion. In a word, he would fain convince me that there neither was, nor possibly could be, any art in eloquence, and that no man could speak, either with skill or copiousness, without being acquainted with the precepts of the most learned philosophers. To this Charmades used to add, admiring, Crassus, your eloquence, that I was an attentive hearer, but you a pertinacious opposer of his sentiments.

CHAP. XXI.

BEING at that time misled by these maxims, I maintained in a small volume which I then wrote, and which was published without my knowledge

knowledge and consent, that I knew many *good speakers*, but not one *orator*. What I meant by a *good speaker*, was one who could speak with tolerable clearness and accuracy, and came up to the general notion of oratory among mankind. But by [P]an orator I meant one who treated every subject

[P] *An orator.*] Cicero, in the following part of this paragraph, as I have observed before, has given his own picture the most perfect resemblance to the original; *si sic omnia dixisset!* Had he known his foibles as well as he did his beauties; had he trusted for fame to his character as an orator, no man could ever have appeared to posterity with greater lustre. But, alas! he wanted that steadiness of head, that inviolable adherence to principle, which alone can reconcile the character of the best citizen and magistrate to that of the best speaker that ever lived.

It has frequently been a surprise with the learned, that Horace and Virgil, who have paid compliments in their writings to much more obnoxious characters than that of Cicero, have taken no manner of notice of our author, when they had so many fine opportunities. I own I cannot account for it any other way than by imputing it to the disgust which his wavering timid conduct in public affairs left behind him. Which inclines me strongly to believe this is the famous character drawn by Horace in the following lines.

Justum et tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solida; neque auster
Dux inquieti turbidus Adriæ,
Nec fulminantis magna Jovis *Manus:*
Si fractus illabitur orbis
Impavidum ferient ruinæ.
Hac arte fretus, &c.

The man resolv'd and steady to his trust,
Inflexible to ill, and obstinately just,

subject which he wished to discuss with a force and splendour of language that commanded admiration; one whose faculties comprehended all the treasures of knowledge which can enrich or inspire eloquence. Though this seems impracticable to us, who, before we entered on the study of eloquence, were entangled in the pursuit of AMBITION and the forum, yet still it must be allowed to be within the compass of actual attainment. For my own part, so far as I can form a judgment

May the rude rabble's insolence despise,
Their senseless clamours and tumultous cries:
The tyrant's fierceness he beguiles,
And the stern brow, and the harsh voice defies;
And with superior greatness smiles.
Not the rough whirlwind that deforms
Adria's black gulph, and vexes it with storms;
The stubborn virtue of his soul can move;
Nor the red arm of angry Jove,
That flings the thunder from the sky,
And gives it rage to roar, and strength to fly:
Should the whole frame of nature round him break,
In ruin and confusion hurl'd,
He unconcern'd would bear the mighty crack,
And stand secure amidst a falling world,
Such were the god-like arts that led
Bright Pollux to the blest abodes.

ADDISON.

Besides the striking import of this character, there are in it two touches very characteristical of our author, that I am convinced it was meant as an apology for the orator owing no immortality to the poet; and though we have no hint of this from antiquity, yet if one will consider how intelligible allusions are in the time of the author, and how necessary it is thought to illustrate them, he will not be surprised why the

judgment founded on the capacities which I discern amongst my countrymen, I doubt not, but some time or other a person will appear, who, by a closer application, with more abundant leisure, with parts more solid and cultivated, with diligence more persevering and patient, shall devote himself to instruction and composition more than it was in my power to do; shall realise the character we now form of a perfect orator, and be esteemed with justice not only correct but eloquent.

intention of the author in this, and many other fine passages is doubtful. The first hint I would take notice of in the foregoing lines is *dux inquieti turbidus Adriæ*. The reader may compare this with the circumstances which we are told by Plutarch of Cicero; that this dread of the seas was the occasion of his abandoning his wise and generous resolution to go over to Brutus in Macedonia. That this dread farther prevailed upon him to think of the mean-spirited design of throwing himself upon the clemency of Octavius. Farther, that in one night he was of twenty minds, and quite distracted with irresolution; I say, if a reader will compare all these circumstances, he will find very little room to doubt that Horace, in drawing this portrait, and marking it so strongly, had our author in his eye.

The next passage I would take notice of, is the expression, *hac arte Pollux*, &c. which I am afraid glances at our author's trusting so much to his qualifications in this art for immortality. Nay, I will venture to say, that to a man who knows the beauties of Horace, and with what propriety he introduces every expression, it will appear that Horace could not but have intended an allusion to a particular character. I could say a great deal more to support what I have here thrown out, but perhaps I ought to make an apology for having said so much.

quent. My friend Crassus is such a character in my judgment, or if there is a person of equal genius, but with greater practice in hearing, reading, or writing, I own that I could enlarge a little more still on such a man's praise. Here Sulpicius interrupted: It is, said he, an exceeding agreeable disappointment, both to Cotta and me, that our discourse has taken this turn; it gave us great pleasure while we were coming here, to think that if you should enter with us even upon other subjects, yet still we should be able to collect somewhat, from what you said, as worthy of being remembered; but we hardly presumed to hope that you would enter on this important subject of eloquence, (whether you give it the name of study, art, or faculty.) For though ever since my entrance on life, I felt the warmest admiration for you both, and even love for Crassus, and though I never left his company, all I could do by myself, all my repeated endeavours by means of Drusus, could never draw a word from him upon the power and province of orators. But I must be so just to you, Antonius, as to own that, upon this head, you never disappointed me, but always complied with my earnest requests, to be instructed by you in regard to your peculiar manner of speaking. But now as both of you have cleared the entrance to these very objects which we were pursuing, and as Crassus himself first started the discourse, indulge us with a minute detail of your own sentiments upon eloquence in general, which, if you grant

grant us, we shall be infinitely obliged, Crassus, to your instruction at Tusculanum, and prefer this your rural recreation to the academy at Lyceum.

CHAP. XXII.

INDEED, Sulpicius, answers the other, we must apply for this to Antonius, who is both able, and, as you told me just now, is used to answer your importunities; for you have yourself just acknowledged that I always declined to converse upon the subject, in opposition even to your own earnest requests. This I did, not from any motive of pride or unkindness, nor from any unwillingness to oblige you in your curiosity, which is highly proper and laudable, especially as I knew that nature had peculiarly formed and qualified you for an orator; but, my refusal, I assure you, proceeded from my entire unacquaintance with the [1]principles of this pretended art. Since, answered Cotta, we have surmounted our greatest difficulty, which was to prevail upon you, Crassus, to speak at all upon this subject, it will be our fault now if you get off from us without explaining every thing we want to know. Then

[1] *Principles of this pretended art.*] *Earum rerum quæ quasi traduntur in arte*, say the common editions; *quæ quasi in arte traduntur*, says Dr. Pearce's, and to be sure he is right; for the genius of the language will not suffer the first order of the words to admit of what Cicero certainly meant, as I have translated it.

Then, says Crassus, as we used to write in our [a]administrations, I WILL SPEAK TO WHAT I KNOW, AND WHAT I CAN. Is there a man here, answered the other, that has the assurance to require to know, or to do, any thing that is beyond your power or knowledge? Well, replies Crassus, reserving to myself the plea of inability, where I am really unable, I am at your service in answering all the questions you shall think fit to propose. Then, said Sulpicius, to begin, we require that you give your opinion with regard to those points that Antonius some time since has started; do you think that eloquence can properly be called an ART? What! replied Crassus, the question you propose is a mere quibble, such as is usually discussed by the trifling loquacious, though perhaps learned and cultivated wits of Greece. When did I give you reason to conclude that I respected, or rather did not hold in contempt, the assurance of those men, who, when they had placed themselves in the chair of oratory, demanded, in a crowded assembly, [b]*whether any man had any question to discuss?* This is a practice said to be

[a] *Administrations.*] In the original *cretionibus.* I have translated it by the nearest words I could light of in our language. The *cretiones* were of two kinds; the one vulgar, in which the words *quibus scio poteroque* were inserted; the other absolute, in which they were not inserted. *Ulpianus, Tit.* 22.

[b] *Whether any man had any question to discuss.*] I am sorry to observe it, but it appears from this passage, that quackery,

be introduced by Gorgias of Leontium, who thought that he undertook something that was great and surprising, when he pronounced that he was ready to speak upon any subject that any one of his audience, whoever he might be, desired to hear. This afterwards became, and still is, their common practice, insomuch, that there is no subject so important, so unexpected, or so new, that they do not pretend to discuss, as fully as it possibly can be. If I thought, Cotta, that you or Sulpicius wanted to be entertained in this manner, I would have brought along with me some Greek to entertain you with such disputes, which indeed is no hard matter still to effect: for there is a Peripatetic, one Staseas, at the house of M. Piso, a youth devoted to this study, and possessing the finest understanding, and much attached to me. With this Staseas, and he appears by the general consent of all competent judges to be at the head of this sort of disputation, I am well acquainted.

CHAP.

ery in learning is of a very ancient date. These philosophers were a kind of intellectual prize-fighters; of such we have had great plenty since; one Crighton, a Scotchman, in the 16th century, was a perfect knight errant in this way; for he made the tour of Europe, and published placarts wherever he came, that he was ready to dispute with any man not only upon any subject, but in any language his opponent should chuse. If I am not mistaken, he likewise offered to dispute in prose or verse; so very indefatigable was he in rendering himself ridiculous.

CHAP. XXIII.

WHY do you talk to us, answered Mucius, of your Staseas and your Peripatetic? You must, my friend, indulge the young gentlemen; they want not to hear the daily prate of an unexperienced Greek, nor a scholastic legend; they want to know the sentiments of the wisest, the most eloquent man of his age, of the man whose understanding and eloquence qualify him to take the lead, not in the subtleties of learning, but in the importance of the causes he manages in this august seat of empire; it is in the footsteps of a man like this, that they desire to tread. For my part, though I always imagined you to be divinely eloquent, yet I never thought you more distinguished by eloquence, than by polite literature. It is in this character that you are now to appear, nor must you decline the disputation to which you are invited by two young gentlemen of distinguished talents. I assure you, replies Crassus, I am ready to obey them, and to give them my sentiments in my own brief manner upon any subject. And, Scævola, in the first place, as I cannot with propriety overlook what you mentioned, I think that eloquence is either not at all an art, or has but slender claims to that appellation; but that all the difference among the learned, on this head, lies in words. For if, as Antonius said a little while ago, the definition of an art is, that it consists of points thoroughly examined,

examined, clearly understood, abstracted from the caprice of opinion, and bounded by the principles of science: to me there seems to be no such art as that of eloquence. For all our pleadings at the bar vary in kind from one another, and must be suited to the understandings of the common people. The observations which have been deduced from the practice of pleading, by men of taste and discernment, have been properly expressed, have been illustrated by examples, and distributed under distinct heads, which I understand has been done, I see no reason why it should not in a popular way, though not in philosophical steadiness, receive the denomination of *art*. However, whether it be an art, or the semblance of an art, it ought by no means to be neglected; but we must still take it for granted that some higher qualifications are required to attain it.

CHAP. XXIV.

ANTONIUS then said, that he cordially agreed with Crassus, that he neither owned it as an art, in the sense of those who reduce all the powers of eloquence to the rules of art, nor absolutely denied its claims to that appellation, as is done by most philosophers. But, Crassus, continued he, I believe it will oblige these gentlemen, if you point out the method by which you think they may improve in the faculty of speaking, more effectually than they can be aided by the art itself. I consent, replied he, as I am now upon

the subject; but I beg that what I say in the freedom of conversation, on this occasion, may not be divulged, though at the same time I will be upon my guard not to appear as a professed teacher, but in the character of a private Roman, who has a tolerable reputation, and not entirely void of merit in pleading at the bar; who does not dictate, but delivers his sentiments in an accidental conversation. When a candidate for office, and I wished to canvass votes, I used to take my leave of Scævola, by telling him I wanted to trifle; this was a civil way of asking him to retire; for in these cases, unless a man trifles, he can do nothing to the purpose. Here it happens that the very person before whom I would less willingly act a trifling part, than before any other in the world, is now a spectator of the frivolities which I am capable of committing; for what can be more frivolous than to speak upon the art of speaking, when nothing can excuse speaking itself but necessity? Pray go on, replies Mucius, I will answer for any thing which you fear may be amiss in your discourse.

CHAP. XXV.

Then, said Crassus, it is my opinion that [1]the powers

[1] *The powers.*] Quintilian, in his preface, § 4, has a very beautiful expression upon this subject; *illud tamen imprimis [c]standum est, nihil precepta atque artes valere nisi adjuvante naturâ.*

powers which contribute most to eloquence are innate. As to those authors whom Antonius mentioned a little before, it was not method or order that was wanting to them, but genius; for the mind must originally be endued with vigorous faculties, for rendering the invention acute, the expression and its embellishments diffusive, and the memory solid and lasting. It is very well, if these faculties be animated or called forth by art; but it is not in the power of art to engraft every quality; for these are the gifts of nature. If, therefore, one should erroneously suppose that these qualifications are attainable by art, what will he say of those capacities which are certainly born with them; such as the free use of the tongue, an agreeable articulation, strength of lungs, an animating expression, and a pleasing figure? Not but that art can contribute some refinements; for I am sensible that learning may improve what is already good, and in some measure polish and correct what is none of the best. But there are some men so difficult in their utterance, so harsh in their tone of voice, so forbidding in their look, so unwieldy and ungraceful in their appearance, that all the advantages of

turâ. Quapropter ei cui deerit ingenium, non magis hæc scripta sunt, quàm de agrorum cultu sterilibus terris.

We must (says he) premise, that precepts and art can do nothing without the concurrence of nature. For those pages are no more wrote for the use of a person who has no genius, than a treatise upon agriculture can be supposed calculated for the improvement of barren grounds.

of genius and art can never secure to them the reputation of fine orators. There are others so happily formed by nature in these respects, that they seem not to have been born, but moulded by a superior being. It is an undertaking of serious difficulty, for one man to command the attention of a whole assembly while discussing the most important matters: for there is scarcely any one among his hearers, who is not more alive to the defects than to the beauties of his language; and is therefore apt to overlook what is really deserving of praise, in the observance of his faults. Not that I would insinuate that young men who have not fine natural parts, should be absolutely discouraged from the study of eloquence: for who does not perceive that it does great honour to C. Lælius, my equal in years, and without the advantages of birth to recommend him, that he was able to rise to that mediocrity in speaking which he possessed? Is there one in this company who does not know that Q. Varius, a man of an unwieldy and uncouth figure, has now a vast interest in the city, by means of his moderate talents?

CHAP. XXVI.

But as our discourse has now fallen upon the character of an orator, let it describe one who is faultless, and all-accomplished; for if the multiplicity of suits, the variety of causes, the bustle

and confusion of the forum, afford employment sufficient for the most wretched speakers, we ought not, for that reason, to lose sight of the main object of our pursuit. Thus, in those arts which are cultivated, not for the use, but the elegance they bestow upon life, with what accuracy and fastidiousness we form our taste. For there are no controversies to induce people to endure a bad actor in the theatre, as they do an indifferent pleader at the bar. An orator, therefore, ought to be extremely careful, not only to please those whom it is his business to please, but to ensure the admiration of those who can form a more rational and correct judgment. But if you insist that I should speak my opinion of the matter without reserve, as all of you are my intimate friends, I will now, for the first time, declare what I have hitherto thought ought to be concealed. Even the best speakers, they who speak with the greatest ease and grace, are, in my opinion, guilty of too much assurance, though really modest, unless they appear timid, and betray some confusion, in the commencement of their speech; for the more a man excels in speaking, he is the more sensible of its difficulty, he is under the greater concern for the event, and to answer the expectation of the public. But he who can perform nothing worthy the profession or the name of an orator, nothing worthy the attention of mankind, this man will appear impudent in my eyes, let his timidity while he speaks be ever so great; for we ought to avoid

the

the imputation of impudence, not by blushing at, but by avoiding, improprieties. As for him who discovers no sense of shame, as is too commonly the case, such a man, I think, deserves not reproof only, but punishment; for I have often observed in you, and experienced in myself, that I grow pale at the beginning of a speech, and feel a tremor in every part of my frame. But when a young man, I was so intimidated at the opening of a speech, that, I speak it with the highest sense of gratitude, Q. Maximus adjourned the court, when he perceived me thus oppressed and disabled with concern. Here they all of them agreed in the adjournment, and began to whisper and talk to one another; for there was in Crassus a surprising bashfulness, which, so far from being a disadvantage to his eloquence, caused even a prepossession in its favour, by recommending the good qualities of his heart.

CHAP. XXVII.

INDEED, my friend, I have often observed, as you say, replied Antonius, that you, and the rest of our best speakers, though, in my opinion, none ever equalled you, were much affected in the exordium of your discourse. When I came to enquire into the reason of this, and why an orator, the better he could speak, was always under the greater confusion in speaking, I accounted for it two ways; the first was, that they who are formed

formed, both by experience and nature, for fine orators, have observed, that sometimes causes will terminate not conformably to the wishes of the very best speakers; it is therefore reasonable for them, every time they are speaking, to dread, as it sometimes happens, it may be their own case at the time. The other way I account for it is, what I often thought a hardship. When they who have an established character in other arts fall short of their usual excellence, it is generally imputed to their want either of inclination or health to exert their abilities; Roscius, say they, *would* not act to-day, or he was indisposed. But if a defect is observed in an orator, it is immediately imputed to dulness, and dulness has no excuse; for you will never be able to persuade the world that a man can be a dunce either through indisposition or wilfulness. Thus, in pleading, we encounter a severe hardship, and every time we speak it is renewed; while a player, who has been faulty in action, is not immediately pronounced to know nothing of action; but if an orator shall be thought to make one blunder, he labours for ever, or at least for a long time, under the imputation of incapacity.

CHAP. XXVIII.

As to what you say, that there are a great many things in which, unless an orator has received them from nature, the assistance of a master can do

do him but little service, I am very much of your opinion; and here I cannot but do justice to the merits of that excellent master Apollonius of Alabanda, who, though he made a trade of teaching, yet would never suffer those he thought incaple of becoming good speakers, to lose their time in attending his lessons, but dismissed them with the advice to engage in those professions for which he thought them best qualified. For, in other employments, it is sufficient if a person *appears* to have talents, and if, while learning, though slow of apprehension, he has capacity enough to understand, and has memory enough to retain what is taught, or perhaps beaten into him. He has no occasion for fluency of language, or commanding expression, nor for those qualifications for which we are indebted to nature, such as the face, the look, the accent. But in an orator are required the acuteness of a logician, the learning of philosophers, the diction almost of poets, the memory of lawyers, the voice of tragedians, and the action of the best players.— For this reason, there is nothing more difficult to find among men than a perfect orator. Among the professors of particular branches in other arts, if each in his own arrives at mediocrity, he passes with approbation; but if an orator is not completely master of every branch of his art, he is not approved. And yet, said Crassus, see how much more indefatigable people are in an art that is but trivial, than in this affair, which is evidently of the greatest importance. For I have frequently

quently heard Roscius say, he never had a scholar with whom he was perfectly satisfied; not but that some of his pupils merited approbation; but because, if they were in any wise defective, he himself could not endure it; for nothing makes so remarkable, so deep an impression upon the memory as a *defect*. And, if you allow me to continue the parallel betwixt the accomplishments of an orator and those of a player, do not you observe, that every thing the latter does, is done in the most complete, the most graceful manner; that he always acts with such propriety, as to move and delight every spectator? Hence it is, that he has attained to such distinction, that when a man excels, he is called the Roscius of his profession. While I require this finished excellence in an orator, of which I am so void myself, I act without candour, as my own defects I wish to have excused, while to those of others I exercise no indulgence. For he who is destitute of abilities to speak, who speaks with impropriety, or awkwardness, this man ought (I think with Apollonius) to be turned over to do some other employment.

CHAP. XXIX.

WHAT, replies Sulpicius, would you have Cotta or me to become a student in civil law, or military affairs; for what man is able to rise to those high, those universal accomplishments? So far from

from that, answers the other, that the very reason why I have explained myself in this manner, was, because I knew both of you to possess minds peculiarly qualified for eloquence, and my words were calculated not more to discourage those who had not abilities, than to encourage you who have; and though I perceive that both the one and the other of you are endued with the greatest capacity and application, yet the advantages of outward appearances, which I have enlarged upon perhaps more than the Greeks use to do, in you, Sulpicius, are divine. For I do not remember to have ever heard any man speak with more grace, either in respect to attitude, deportment, or figure, or with a fuller and sweeter voice.—Even they who possess these advantages in a smaller degree may be good speakers, provided they have the skill to use the qualifications they really possess to the best advantage, and with *gracefulness*; for awkwardness is the thing most of all others to be avoided. At the same time, it is extremely difficult to give any rules upon this head; this is a difficulty which is felt not only by me, who speak of these matters as a private gentleman, but even by Roscius himself, whom I have often heard say, that "the essential requsite in

[u] *The essential requisite in an art is gracefulness.*] The ancient writers frequently allude to this beautiful maxim: "In all undertakings," said they, "let us sacrifice to the Graces." It was by observing this important lesson, rather than from any superiority of genius, that their writings have lived so long

in an *art* is *gracefulness*, which, nevertheless, is the only thing that did not come within the precepts of art; but, if you please, let us change our discourse, and talk in our own way, not as rhetoricians. By no means, replied Cotta, for we are now under the necessity of entreating you, since you would have us confined to this profession, and to study no other art, to place before us, in its whole extent, your powers of eloquence.—Surely you cannot say we are too ambitious, as we are content with your eloquence, indifferent as it is, and we want to know how we can be farther qualified; since you say we are not entirely destitute of natural endowments; not that we intend to aspire at more than the little merit in speaking you have attained to.

CHAP.

long in esteem. An excellent English satirist has expressed the meaning of this allusion beautifully.

He who blots out, and blots not out the best,
Pours lustre in, and dignifies the rest.

But the poet, in these two lines, hints only at one cause which destroys the gracefulness of a performance produced by genius, and that is, the fondness of an author for his own work, and his being loath to blot what he thinks is well said, no matter with what propriety it comes in. There is another source of ungracefulness, which was the cause of all the Gothicisms which infected the fine arts for 1200 years, and that was mistaking ornament for beauty, and thence aiming at an unnatural perfection. The Goths, observing the ancient architecture with a few ornaments was very beautiful, they concluded that if it had more ornaments it must be more beautiful, till at length all was ornament, and nothing beauty. The same fate, from the same cause, attended poetry, eloquence, painting, and statuary.

CHAP. XXX.

WHY, Cotta, replied Crassus, with a smile, you want nothing farther but that intense and ardent study, without which nothing great was ever performed in life: far less can any one attain to the excellence you require. But indeed it is in vain to have the desire of arriving at any point, unless you are acquainted with the means that can conduct you to the desired object. But as the task you impose upon me is pretty easy, since you do not insist upon my explaining the art of an orator, but the little I myself can do in this way, I will inform you of my own method, which has, indeed, nothing in it abstruse, difficult, shewy, or arduous, but what I practised in my youth, while I had an opportunity of applying to these studies. Cotta, exclaimed Sulpicius, what a blessed day has this proved to us; for, in spite of all my entreaties, and all my efforts, secret and avowed, I never was able to come at those compositions or discourses to which Crassus had recourse for the sake of improvement, nor to have any knowledge of them from Diphilus, his chaplain and amanuensis. I hope now we have obtained what we wished for, and shall be informed from his own mouth of every thing we wanted to know.

CHAP. XXXI.

BUT indeed, my friend, said Crassus, I am of opinion, when you have heard all I have to say, that

that you will not be so much in love with it; but rather think, that you had no reason for being so desirous to hear it beforehand; because what I am to say contains no secret, nothing to answer your expectation, nothing that is new to you or the world; for I own very freely, that I have studied all those trite and common-place rules, with which a gentleman and a scholar should not be unacquainted. Accordingly, I lay it down as a stated maxim, that the principal point an orator ought to aim at, is to persuade; next, that the tendency of every speech is either to discuss some general question, without specifying persons or times, or some point where particular times or persons are specified. In both these cases, the question in dispute commonly is, whether such a thing is, or is not a fact; or, if the fact be admitted, of what nature it is, or under what denomination it comes; and, according to some, whether the commission of it was, or was not justifiable. I was farther taught, that controversies may arise from the meaning, whether it is either doubtful or contradictory, or when the letter contradicts the spirit of the law; and that a certain species of argumentation is appropriated to each of these cases. I was farther informed, that those doubts that cannot be ranked under the general division, become either matters of trial or debate; that there exists likewise a third species, consisting in praising or reprimanding particular persons; and that there are certain topics upon which we insist in cases of equity, and in courts of justice; that there are other topics

which we discuss, and where all the subject of debate is the interest of those to whom we give our advice or assistance; that there are still others appropriated to panegyric, where every thing has relation to personal merit. I was farther instructed, that as all the profession of eloquence is divided into five parts, an orator must first supply the materials he has to say, and when these are supplied, he is to distribute and range them, not only in order, but in a manner that is likely to give them weight and importance; he is next to clothe in embellished language, then to imprint them in the memory, and, lastly, to deliver them with gracefulness and dignity. I was farther led to understand, that before one enters upon the main subject, he should endeavour to gain the affection of his hearers. In the next place, the fact is to be represented, the case is to be stated, and the speaker then proceeds to prove his allegations; he next proceeds to confute what has been advanced by his adversary; and at the conclusion of his speech, whatever makes in his favour, he is to enlarge and improve, and whatever makes against him he is to weaken and extenuate.

CHAP. XXXII.

I was likewise instructed in whatever relates to the embellishments of a speech, the chief of which is purity of diction, the next is ease and clearness, the next gracefulness, and the last an expression suited to, and, as it were, setting off, the

the nature of the subject; and I made myself master of all the precepts relating to each of these points. Even that which one would think to be a principle of nature, I have sometimes known to be assisted by art; for I myself have cursorily learnt certain precepts respecting action and memory, but I embodied them with continued practice; for all the learning of certain teachers turns upon technical points like these, and I should be much in the wrong to say that they are of no use; for they serve, as it were, to prompt the orator, by informing to what head such and such things relate, and at a glance he is much surer not to be wide of his aim. But I take the true use of rules to lie in this, not that orators by observing them attain to eloquence, but that observations have been made, and a practice formed upon those principles, which eloquent men have unfolded by the mere strength of natural genius. Thus eloquence is not the product of art, but art is derived from eloquence; but even that, as I said before, I would not exclude; for though it may not be quite so necessary to the practical part of speaking, yet it is very subservient to the critical. This is the task that you are to undertake, though you have already entered the lists; notwithstanding that the students in this way, like soldiers, may improve by the previous discipline of a mock fight upon disputable points.—This, interrupted Sulpicius, was the very thing we wanted to know, yet we wish to hear somewhat from you with regard to the art itself, which you have but slightly noticed, though we are not

quite strangers to it. However, we shall talk of this hereafter, but at present we want to know your sentiments upon the practice itself.

CHAP. XXXIII.

WHY really, replied Crassus, I approve of your common practice in stating a cause of the same nature with those that really come before the courts of justice, and then speaking to it as if you were actually in earnest. But most people in such exercises make use only of their voice, and that too not very judiciously, the strength of their lungs, and the volubility of their tongue, and are quite charmed with their own performance, if they can but pour forth a torrent of words; so far do they mistake that general maxim, that practice makes perfection in speaking. But there is another maxim; that by a vicious practice, men very naturally fall into a vicious habit of speaking. Therefore, in those very exercises, though it is of great importance that a man should acquire an ease and quickness of elocution, yet it is of much greater that he should, after some consideration, speak at once with readiness and correctness. But to tell the truth, the chief point of all is a thing that we very seldom resort to; for it is difficult, and therefore commonly avoided, I mean the frequent practice of composition. THE PEN IS THE BEST, THE MOST EXCELLENT FORMER AND DIRECTOR OF THE TONGUE; and no wonder; for

for if reflection and thought easily excel extemporaneous effusions, careful and assiduous practice in composing will excel even those advantages. For every topic, whether of art or learning, if it has any relation to the subject we write upon, immediately presents itself and occurs to the eye of critical observation; and at the same time, it is a necessary consequence, that those periods and expressions, which are most elegible, must suggest themselves to the direction of the pen; thus also is produced that metrical and harmonious arrangement which does not indeed belong to poetry, but is peculiar to oratorical compositions. Hence likewise is laid open the true source of the warm applause bestowed on excellent speakers; (and however long a person may practise spontaneous elocution, he never can command admiration without practice in writing;) and the man, who after [x]using his pen, shall come to the bar, will carry along with him this advantage, that though he shall speak, even without previous meditation, yet what he may deliver will have the air of correct composition; and farther, if at any time he shall use the assistance of notes, as soon as he lays them aside, the remaining part of his speech will be of a piece with the preceding. As a boat under sail, though the

[x] *Using his pen.*] This precept will be found useful to all manner of speakers, and we have known some of the greatest men in our age and country owe the excellency of their eloquence to this precaution. The following simile of our author is extremely just and beautiful.

the rowers suspend their efforts, yet still the vessel moves in the same direction as when impelled by the impulse of the oars; so, in a continued discourse, when no longer supplied with notes, yet the remaining part proceeds in the same strain, by the resemblance and strength it acquires from composition.

CHAP. XXXIV.

But in my daily exercises, when I was but a very young man, I own I chiefly followed what I knew to be the practice of my adversary, Caius Carbo, which was, to digest in my memory a chosen number of dignified and polished verses, or a certain portion of some oration which I had read over, and then deliver the very same matter in other words, and those the best I could chuse. But this practice was liable to the objection, that the most proper, the most elegant, and the most beautiful expressions in every subject, had been anticipated either by Ennius or Gracchus, if I took the subject from the verses of the one, or the orations of the other. Thus, if I used the same words, my labour conferred no benefit; if I used different words, the alteration must have been for the worse, and my labour was not only lost but injurious. Afterwards, when I grew a little older, I chose to translate the best Greek orations, by which I ensured this advantage, that in rendering the Greek I had read over into Latin, I not only hit upon the most elegant, and yet the

the most usual expressions, but was in the course of my translation led to the use of some terms, which to my countrymen were new, and I took care that they should be proper. Now the use of the voice, the lungs, the whole body, and even the tongue, do not so much require [y]art as exercise. But in all these exercises we ought to take particular care to imitate those whom we wish to resemble. We are not only to observe the manners of orators, but of actors, lest by a vicious practice we contract some habits of incorrigible deformity. The memory ought likewise to be employed in retaining many of our own compositions, and those of the Greeks; and to this exercise I do not think it would be amiss, if you [z]should aid your memory by certain hints taken from places and resemblances. From this private, this retired discipline, you are to draw out your powers of eloquence into the forum, as into a camp, where prevail the dust, the shouts, and the conflicts of war. You are to handle every weapon, put the forces of your genius to the trial, and all your retired lucubrations

[y] *Art as exercise.*] Our author no doubt means, that by exercise one may come into an artful management and disposition of all the exterior circumstances of speaking.

[z] *Should aid*, &c.] The art of memory was in great vogue, and of a good deal of advantage among the Greeks. The moderns, especially the Germans, in the last age, wrote a great many books upon it; but if the ancients had not proceeded upon some principles that were more worthy the exercise of the rational faculties than the Germans did, it is probable we should not have it recommended by Cicero.

tions must now stand the test of public practice. The poets too should be read; a knowledge of history acquired; the writers, the authors, of all the best arts repeatedly perused; and to improve your practice you are to praise, to explain, to correct, to vilify, and to confute them. You must [a]dispute upon either side of every question; and it will be necessary to explore and explain whatever can be advanced on your own side with the greatest plausibility upon any subject. The civil law must be thoroughly studied; the statutes understood, together with a clear knowledge of all antiquity, of the practice of the senate, the government of the state, the rights of our allies, leagues, conventions, and the interests of the constitution. You are likewise, from the various rules of good breeding, to extract a certain agreeable turn of wit, which, like salt, should season all your diction. Thus I have freely communicated all I knew; and this is perhaps no more than what any private gentleman, whom you might meet with in company, would have given you.

CHAP.

[a] *Dispute upon either side.*] I do not know if the rapidity with which Crassus speaks here can plead for an excuse for this expression. Quintilian, to his immortal honour, looked upon the profession of an orator in another light than we do upon that of a Swiss: he thought that no man could distinguish himself without great virtues as well as great qualities; I wish that we could say he had learned this from the precepts our author lays down in this treatise.

CHAP. XXXV.

When Crassus had done speaking, a pause ensued; but though the company seemed to think that he had sufficiently answered all they had proposed, yet he concluded much sooner than they could have wished. Pray Cotta, adds Scævola, what means this silence? What cannot you fall upon some other question to put to Crassus? Why, replied the other, that is the very thing I am thinking of; for such was the rapidity of his words, such the flow of his language, that I perceived its force and energy, but could scarcely trace its rise and progress; as if one were to enter into some rich, well furnished house, where neither the apparel, the plate, nor the pictures and images are distinctly placed in view, but folded up and concealed amidst the variety and magnificence of the furniture; so just now, while Crassus was speaking, I could perceive the riches and beauties of his genius, as it were through certain integuments which veiled them; but of the things I wanted to survey at leisure, I could scarcely have a glance. Upon the whole I can neither say that I am absolutely ignorant of, nor yet that I have been able clearly to perceive, the treasures with which his mind is enriched. Then, replies Scævola, why not act as you would do, were you to enter a seat magnificently furnished; if, as you have supposed, all the rich furniture is locked up, and you felt much curiosity to see it, would you not desire the owner to order it to be brought out, especially

ally if he were your friend? In like manner ask the favour of Crassus now to display to our view, and range in proper order, all the costly ornaments in his possession, of which we just had but a slight, transient glance, as it were through a window. Nay, but Scævola, replies Cotta, I beg this favour of you; for Sulpicius and I are ashamed to importune one of the greatest men upon earth, and one who has always despised disputations of this kind, for what he perhaps looks upon as an exercise only for children. But do you, Scævola, grant us this indulgence, and prevail with Crassus more fully and distinctly to expand those principles, which in his discourse he contracted into so narrow a compass. This indeed, replied Mucius, I already wished, rather on your account than my own, nor can I say that my desire of hearing Crassus upon this subject was equal to the pleasure I have had in hearing him plead. But now, Crassus, I beg upon my own account too, that you will employ this unusual interval of leisure, in finishing the edifice, the foundation of which you have already laid: for I see that it possesses greater dimensions, and more beauty than I was aware of, and such as I greatly approve of.

CHAP. XXXVI.

Indeed, replies Crassus, I am much surprised that you, Scævola, should insist on hearing what I am neither so much master of as they who teach

teach it, and which is not of a nature, however well understood, to suit you experience, or claim your attention. Say you so? answers the other: but granting that young men ought not to hear the common and vulgar rules, are we to neglect those precepts which you have pronounced necessary to be known by an orator, respecting the nature and morals of mankind, and the method of awakening and subduing the passions; respecting history, antiquity, government; and, in a word, respecting the civil law of our country? For I knew that your experience comprehends all this extent, all this variety of knowledge, but never did I witness such magnificent furniture in the cabinet of an orator. Then, answers Crassus, not to speak of other innumerable instances, of great importance, and to proceed to your favourite study of the civil law, can you regard them as orators, upon whom Scævola, with a mixture of mirth and indignation, waited many hours, when he was hastening to the Campus Martius; at which time Hypseus, with a loud voice, and in a torrent of words, insisted before the prætor M. Crassus, that his client might lose his cause. While Cneius Octavius, a man of consular rank, in a speech of equal length, refused to suffer his antagonist to lose his cause, or that his own client should take the advantage, by the blunders of the other party, of being acquitted of the charge of betraying his ward, and all its troublesome consequences. For my part, answers the other, I remember to have heard Mucius speak of these dunces, but I am so far from allowing them

to

to be orators, that I am for depriving them of the privilege of pleading at the bar. And yet, replied Crassus, these advocates wanted neither eloquence nor address and readiness in speaking; what they wanted was a knowledge of the civil law. For the one insisted upon more, while he was pleading upon an article in the twelve tables, than the law allowed; and if this was granted him, he of course would have lost the trial. The other thought it unjust that he should be exposed to greater hardship than the charge brought against him implied, and did not perceive that if he had been dealt by in that manner, his antagonist must have been defeated.

CHAP. XXXVII.

NAY, not many days ago, while we were sitting as assistants to our friend Q. Pompeius, the city prætor, did not one of your eloquent lawyers insist upon the defendant being indulged in an old and common exception, in favour of a debtor who was engaged to pay a sum at a certain day? He did not understand that this rule was made in favour of the creditor; insomuch, that if the defendant had proved before the judge, that the money was demanded before it became due, when the plaintiff came to demand it a second time he might have been precluded by this exception, [b]BECAUSE THE AFFAIR HAD ALREADY

[b] *Because the*] These words I have put in capitals appear to have been part of the law.

ALREADY BEEN TRIED. Can any thing be more scandalous, in words or in conduct, than that a man, who pretends to superintend the interests of his friends, to relieve the oppressed, to administer to the sick, and to raise the dejected, should so stumble in affairs of the most trivial and obvious nature, as to become an object of pity to some, and of ridicule to others? I own that our opulent kinsman, Crassus, who in many respects possessed taste and elegance, was highly commendable in this, that he used to tell [c]his brother Scævola, that the latter never could have made any figure in the civil law, had he not devoted himself to eloquence, (his son, who was joint consul with me, united both these characters) and that he himself had studied the civil law before he undertook to plead any causes for his

[c] *His brother Scævola.*] To understand the wit of this saying of Crassus it may be proper to observe, that the family of the Scævola, as he himself hints before in this dialogue, was famous for their knowledge of the civil law, as was that of Crassus for eloquence; Scævola marrying the sister of Crassus gave the latter a handle for this saying. The Crassus here mentioned was not Marcus, the famous triumvir, who was killed by the Parthians, and famous for his wealth, but another, who, according to certain authors in Gellius, had five several pre-eminences, viz. 1st, in riches; 2ndly, in quality; 3rdly, in eloquence; 4thly, in jurisprudence; and, 5thly, in the sacerdotal college.

Is Crassus a Sempronio Asellione, & plerisque aliis Historiæ Romanæ scriptoribus traditur quinque habuisse rerum bonarum maxima & præcipua, quod esset ditissimus, quod nobilissimus, quod eloquentissimus, quod jurisconsultissimus, quod pontifex maximus. Gell. Noct. Att. L. 1. C. 13.

his friends. But what was the character of the excellent M. Cato? Was it not that of being one of the best speakers of whom this age or country could boast, and at the same time a most skilful civilian? I have all along touched upon this point with the greater delicacy, because there is now in this company a person of the highest eloquence, and one whom I admire as the first of his profession as an orator, and yet who has always expressed a contempt for the study of the civil law. But as you insist upon having my sentiments, I will not disguise, but lay before you with frankness my thoughts upon the subject.

CHAP. XXXVIII.

The amazing, the unparalleled, the divine genius of Antony, though unacquainted with the civil law, qualifies him to ensure the interests of his clients by other weapons than legal knowledge. He is, therefore, an exception to our general rule; but as to others, I own I hesitate not to condemn them, in my own mind, both of idleness and of arrogance. For to parade along the forum; to be always meddling in law-suits, and ever frequenting the courts of justice; to manage the most important decisions respecting private property, in which the question often does not turn upon points of fact, but of law and equity; to swagger in petty causes, where you have all the system of laws relating to interests, wards, families, relations; the alterations and erup-

tions of rivers, vassalage and bondage; walls, and windows; egress and regress; wills executed or unfulfilled, together with an infinite number of other things; if a man who undertakes all this is ignorant of his own rights, or the rights of others, what constitutes bondage or freedom, a domestic, or a citizen, a person of this description must surely possess consummate assurance. What a ridiculous figure would a man make, to own that he did not know how to manage a small bark, and yet pretend to sail one of our first rate ships? If in company I should find that you are over-reached by a quibble of your antagonist; if I see you executing a deed for your client, which must prove prejudicial to his interest, do you imagine that I would trust a cause of greater moment to your management? Be assured that the pilot who in harbour oversets a small boat, shall sooner be entrusted with the command of a ship of war in a dangerous sea. But if those causes that turn upon the civil law are not insignificant, but often of the utmost importance, what effrontery must a man have to pretend to be an advocate in those causes, without the smallest knowledge of the law? For instance, could any cause be more important than that of the soldier, of whose death his father had been erroneously informed from the army, but believing the information true, he altered his will, and appointed another person his heir. After this the father himself died, and the cause was brought before the judges. The soldier returning home, commenced an action to recover the

estate. The question to be decided was, whether the son, whom the father did not mention in this will, was in the eye of the law excluded from his paternal inheritance.

CHAP. XXXIX.

FARTHER, what was the decision of the judges, in the cause between the Patrician families of the Claudii and the Marcelli? When the Marcelli claimed an estate in right of descent from the son of a freedman, and the Claudii pretended that the same estate ought to revert to them by a family right derived from a Patrician of their name; in such a cause, were not the pleaders to explain the whole system of the rights of succession and family? What say you of another dispute which I have heard was brought before the same tribunal? A man having been banished from his own country, lived at Rome, and having claimed the protection of the Roman laws relating to banished persons, applied in consequence to some one to become his patron, and then died intestate; in such a cause are not the laws, obscure and unknown as they are,[d] relating to

[d] *Relating to such applications.*] The clientships among the Romans constituted a part of the estate of a great man. There is a remarkable passage upon this head in Aulus Gellius, which gives us a clear view of the subordination of civil relations among the old Romans; the first relation next to that of son and father, says he, is that betwixt a guardian and his ward; the

to such applications, to be laid open in the trial, and explained by the advocate in his pleading? What do you think of a recent law suit, when I pleaded in favour of C. Sergius Aurata, against our friend Antonius, which was decided by arbitration? Was not the defence which I made entirely deduced from the civil law? For when Marius Gratidianus had sold the house to Aurata, without expressing in the deed that any part of that house was to be subjected to servitude; I pleaded, that whatever loss might arise by omitting this reservation, it ought to fall upon the seller, if he knew of any such servitude annexed to the purchase, and omitted to express it. In actions of this kind, my friend, M. Bucculeius, who is no fool indeed, in my opinion, and a very wise man in his own, being besides not

the second, that betwixt a patron and his client; the third, that betwixt a landlord and his guest; lastly, those of kindred and alliance. But the words of Gellius contain somewhat so express and diffusive, that I cannot omit giving them to the learned reader, who I believe will agree that there are few more curious passages in all antiquity.

Conveniebat autem facile constabatque, ex moribus populi Romani, *primum juxta parentes locum tenere pupillos debere fidei tutelæque nostræ creditos: secundum eos proximum locum clientes habere, qui sese itidem in fidem patrociniumque nostrum dediderunt, tum in tertio loco esse hospites; postea esse cognatos affinesque. Hujus moris observationisque multa sunt testimonia documentaque in antiquitatibus perscripta. Ex quibus unum hoc interim, de clientibus cognatisque, quod præ manibus est ponemus.* M. Cato *in oratione, quam dixit apud censores in* Lentulum, *ita scripsit? "Quod majores sanctius habuere defendi pupillos, quam clientem nemo dicit: patrem primum, deinde patronum proximum nomen habere."* Gellius Noct. Att. l. 5, c. 13.

not unacquainted with the law, in some respects committed a similar blunder. For when he sold a house to L. Fufius, reserving in servitude the doors and windows in the state they were then in, a person began to build a house in a different quarter of the city, in a place that could be but just discerned from the other; but he had no sooner begun to build, than he commenced an action against Bucculeius, and insisted on it, that his windows could not, in the terms of their agreement, remain in the same state, if the smallest portion of the horizon was intercepted, however great the distance. But what shall I say of the important cause betwixt Manius Curius and Marcus Coponius, which was lately discussed before the judges, and a crowded court, all curious to know the event? When Q. Scævola, my equal and colleague, who of all others is best acquainted with the practice of the civil law, who besides possesses the quickest discernment, a style remarkably smooth and polished; and who, as I used to say, of all great lawyers was the greatest orator, and of all great orators the greatest lawyer; when Scævola, I say, defended the validity of wills from their letter, maintaining, that unless the posthumous child, expressed in the will of the deceased, had been born, and died before he was of age, the person named in the will as succeeding to the infant who should thus be born and die, could not be the heir. I pleaded for the intention of the will; and that the meaning of the deceased testator must have been, that if he had no son come to age, then

Manius

Manius Curio was the heir. Did either of us in that trial betray a want of acquaintance with authorities, precedents, and the forms of wills, which constitute the most essential part of the civil law.

CHAP. XL.

I SHALL at present omit to mention numberless other important causes. But it often happens that the most [e]important concerns, the life and privileges of a citizen, rest upon a knowledge of the civil law. Thus Publius, the son of M. Rutilius, the tribune of the people, ordered Caius Mancinus, a man of quality, fortune, and of consular dignity, to be expelled from the senate; because, to avoid the execution of an odious league which he had made with the Numantines, he had been delivered up to them by the presiding herald; and upon their refusing to receive him, he hesitated not to return home, and take his seat in the senate. The opposition of the tribune was founded on a received tradition, that a person sold either by his father or the people, or delivered up by the presiding herald, has no right to reclaim his privileges. Can we in the whole system

[e] *Important concerns.*] The word *caput* in the original does not mean the natural life, neither did the expression *capitalis causa* import a capital cause in our sense of the words. *Capitalis*, says Modestinus, *latine loquentibus omnis causa existimationis videtur.* That is, whatever cause could in its event affect the honour and reputation of a person, such cause was *capital.*

system of civil polity find a more important cause, than that which respects the rank, the privilege, the liberty, and the reputation of a senator? Especially as it was not pretended that his disqualification arose from his own demerit, but from the constitution of the civil law. Of a similar, but less important nature, is the case of a native of a confederate state, who had been a slave at Rome, where he obtained his freedom, and then returned to his own country. It was in that case a doubt with our ancestors, whether such a person could reclaim his rights in his own state, and whether he had not forfeited the privileges of this city. But as I am now speaking of liberty, than which no cause more important can be tried, may it not become a question, in the civil law, whether a man when enrolled among the citizens, by the consent of his master, becomes free, or [f]when the period of the enrollment is expired?

[f] *When the period of the enrollment.*] This passage is proposed by some annotators as a very curious field for criticism. The original is *ubi lustrum conditum.* Camerarius informs us, that he saw a very old copy, where the whole passage runs thus. *Cum quæritur is qui domini voluntate census sit, si non conditum lustrum sit, sit ne liber? Et continuone an tribus lustris conditis liber sit.* I shall leave the discussion of the authority of the two readings to those who are inclined to pursue the matter farther; it is sufficient to take notice here, 1st, that if a person was upon the rolls of the Census, it would appear that at the time of making up those rolls, every person whose name was contained in them could, and upon any future occasion might have appealed to them for proofs, that he was then a Roman citizen: for this see Cicero's oration for Archias the poet

pired? Was there not a case that actually happened in the last age, when the father of a family came from Spain to Rome, leaving his wife big with child; he, without any intimation to his wife, marries another at Rome, where he dies intestate, leaving behind him a son by each wife; was the point in this case to be discussed easy of solution. Here arises a question respecting the rights of two citizens, I mean the latter son and his mother, who must have been pronounced a concubine, had it been found upon the trial that a certain form of words, and not a new marriage, were necessary to constitute the validity of a divorce from the former wife. Must not then the guilt of that man be flagitious, who struts about with gaiety and assurance, throwing his eyes first to one side, and then to another, swaggering over the forum, with a vast train, proposing protection to his clients, assistance to his friends, and the light of salutary advice to other citizens, and is yet ignorant of these, and other similar points respecting the laws of his own country?

CHAP. XLI.

HAVING noticed the assurance, I must be permitted

poet. 2dly, It would appear from his oration for Cæcina, that though a man was a slave, his being enrolled in the Census rendered him free. These two considerations seem to determine the reading of this passage as I have translated it. Condere Lustrum was no other than finishing the rolls, at which time, we see by Livy, certain plays were celebrated.

mitted next to censure the inactivity and indolence of some men. For, granting the knowledge of the civil law to be an extensive, intricate study, yet its vast utility ought to spur men to undergo the fatigue necessary to the attainment of it. Yet I declare, by the immortal gods, an assertion which I should not presume to advance before Scævola, had not he himself often acknowledged the truth of it, there is not an art which can more easily be acquired. I own, that the general opinion for certain reasons is otherwise; first, because your ancient practitioners, who are at the head of this department, that they may retain and increase their influence, are unwilling to have the knowledge of their profession generally diffused. In the next place, after it had been published, and the process of it explained by Cn. Flavius, nobody could reduce his technical digest into a more luminous and comprehensible system. For nothing can be reduced into an art, unless the person who attempts it, besides knowing the principles which he wishes to classify, has skill enough to arrange those, which have not yet been brought to the standard of art. I was willing that the brevity with which I have explained myself upon this head should lead me into a little obscurity, but I will endeavour if I can to explain my meaning.

CHAP. XLII.

ALMOST all the principles that are now reduced into arts were formerly dispersed without any principle of union. Thus in music; tunes, sounds, and measures: in geometry; lines, figures, dimensions, magnitudes: in astronomy; the revolution of the heavens, the rise, the setting, and the motions of stars: in [z]grammar; the study of the poets, an acquaintance with history, the derivation of words, together with a correct pronunciation. And in our profession of eloquence; invention, embellishment, arrangement, memory, action; all these formerly were unknown, or they seemed too widely dissipated to be reduced into a system. For this reason, a certain art, foreign to eloquence, and which philosophers claimed as their own, was employed to cement, and by certain means to combine the matter that thus lay confused and separated. It is an undoubted maxim that the end of the civil law is to watch the persons and properties of citizens with impartial justice. Its heads are then to be marked, and to be reduced into classes as few as possible. Every head comprehends two or more divisions, with certain properties agreeing in kind, but having a specific difference; and each division is ranged under those heads from which they are derived. And definitions must be laid down, expressing the force appropriated to

[z] *Grammar.*] It appears that the ancients by the study of grammar meant the study of what we call the *Belles Lettres*.

to every term, whether it relates to the heads or the subordinate parts. A definition again is a short and limited explanation of the properties of the thing which we want to define. I should give examples of these particulars, were I not sensible that they are unnecessary to those before whom I speak: I shall now comprehend what I proposed in as short a compass as is in my power. For were I at leisure to do what I have long meditated; should any one while I am busied set about it, and when I am dead accomplish it; first, to digest the whole civil law under different heads, which are but very few; and then to branch out these heads, as it were, into so many members; and next define the power that is appropriated to each; then you will have a complete code of laws, less difficult and obscure than important and diffusive. In the mean time, while what is now dissipated remains yet to be collected into a system, let us enrich the noble profession of law with what we can pick up, while ranging along the various walks of human knowledge.

CHAP. XLIII.

You well know that C. Aculeo, the Roman Knight, who lived and still continues to live with me, a man whose genius is formed to excel in every art, but who has very little studied any other than this, is so much distinguished by his legal knowledge, that, with the exception of one

in this company, he surpasses the most skilful in the profession. For the principles of it are obvious, occur in daily practice, in common conversation, and in the forum; and are not to be acquired by much study or extensive reading. For the same principles were published by many, and then, after some verbal alterations, transcribed again and again by the same authors. To this is to be added another circumstance, which, though little noticed, encourages the study of the civil law, and that is, [b]the great pleasure and satisfaction which the knowledge of it affords. For if a man delight in the view of ancient times, he has a lively picture of antiquity presented him in every part of the civil law, in the books of the priests, and the twelve tables; and he learns withal the former usage

[b] *The great pleasure and satisfaction.*] I believe Crassus may have the suffrage of all succeeding ages, for what he has advanced here. There certainly never was so excellent a digest of laws formed, as was that of the twelve tables, for securing property; and had the public liberty obtained as strong a barrier, the constitution of the Roman government, in some sense, might have been said to be immortal. In the mean time, though we justly wonder at the neglect, which, as appears from the words of Cicero, prevailed at Rome, with regard to this study, we perhaps in England are as defective in the knowledge of our constitution. This is a most miserable omission in the education of young gentlemen who have a prospect of being one day members of the British legislature, where the most important points as to peace and war turn upon principles of law, and where even many private causes and matters of right, that come before them, can never be either understood or decided but by a legal knowledge: In short, what Cicero here puts into the mouth of Crassus is but too applicable to our own time and country.

usage of words, and peculiar customs instruct him in the practice and history of our ancestors. If a person be intent upon the study of civil polity, a study which Scævola says belongs not to an orator, but to a different branch of knowledge, he sees all of it comprehended in the twelve tables, where the whole system of civil duties and subordinations is described. Or, if he be captivated with the irresistible charms of philosophy, I will boldly venture to say, that the source of all his disquisitions is contained in the civil law. For in the pursuit of this the greatest dignity is to be acquired; when we see sincere, just, and honest endeavours crowned with honourable rewards and distinctions; while the vices and frauds of mankind are punished with loss, disgrace, chains, whips, banishment, and death. And we are taught, not by vague and doubtful reasonings, but by the authority and sanction of a law, to subdue our passions, to check all impure desires, to guard our own property, and to refrain our thoughts, our eyes, and our hands from the property of others.

CHAP. XLIV.

THOUGH the public may be offended, I cannot help speaking my sentiments on the subject. Indeed, the single volume of the laws of the twelve tables appears to me more useful, to one who would study the fundamental principles of equity, than the libraries of all the philosophers that ever lived, both as it regards weight of authority, and

extent of utility. But if the love of our country is, as it ought to be, our ruling passion; a passion that is so strong and so natural, as to induce Ulysses, the wisest of mankind, to prefer the barren Ithaca, built like a nest upon a craggy rock, to immortality itself: with what ardour ought we to love a country that is superior to all other countries, as being the seat of valour, empire, and dignity! It is the sense, the manners, the government of this country that we ought first to be acquainted with, both because she is our common parent, and because we ought to presume that the plan of government, upon which her constitution was founded, discovers equal wisdom with that conduct by which her power has been reared. You will likewise feel the most cordial satisfaction arising from the knowledge of the law, while you perceive how much our ancestors excelled, in wisdom, the rest of mankind; of which you must be convinced by comparing their system of laws with those of Lycurgus, Draco, and Solon. For it is hardly credible how indigested, and almost ridiculous, all other systems are in comparison with our own. I had daily and long-continued conversation upon this subject, and I always preferred the sagacity of our countrymen to that of all other nations, especially the Greeks. For these reasons, Scævola, I affirmed, that the knowledge of the civil law is necessary to those who want to be accomplished orators.

CHAP. XLV.

GIVE me leave now to observe, that nobody can be ignorant how much honour, influence, and dignity it ensures to those who are at the head of this profession. In Greece, men of the meanest rank hire themselves out, for a trifling fee, as assistants to an orator in a trial, and are hence called *agents*. On the contrary, in Rome, every man of the greatest quality and figure, like Ælius Sextus, whom, for his knowledge of the civil law, a great poet called, a man,

> With the best heart, and with the wisest head,

with a great many others, who, though they raised themselves to dignity by their genius, yet, by their practice in the law, have found that their authority was of more weight than their abilities. Can a more honourable sanctuary be found, under which we can spend the decline of age with dignity and lustre, than in explaining the law? For my own part, I own that this is a retreat which I have provided even from my youth, not only with a view to my practice at the bar, but even to grace and embellish my old age; that when, as the time now draws near, my strength shall fail me, I may secure my house from that solitude, which is generally the concomitant of years. For what can be more honourable than that a sage, who has occupied the honours and fulfilled the duties he owed to his country, should boldly say, with the oracle in Ennius, that he is

such a one as all his countrymen, not to say all princes and nations, ought to consult.

Are you uncertain as to the measures you should pursue? By my advice the wavering become decided; and I dismiss them in possession of that wisdom, which shall hereafter secure their affairs from perplexity.

Now it is beyond dispute, that the house of a lawyer is the oracle of the whole city. For the truth of this I appeal to the hall of Quintus Mucius, which, though infirm and advanced in years, is now the daily resort of multitudes of citizens, and frequented by men of the greatest quality.

CHAP. XLVI.

WHAT I am now going to say does not require any long explanation; That an orator ought to be acquainted with the public acts that relate to matters of state and government, and likewise with history and the records of antiquity: for, as while he pleads in private causes he must often have recourse to the civil law, the knowledge of which is, for this reason, as I have already stated, necessary to an orator; so in causes, that are discussed in the assemblies of the people, or in the senate, the events of ancient and modern times, the sanctions of political justice, the science of government, ought to be as intimately known to those orators who engage in the commonwealth, as if they were professed subjects of their study. For what we are now in search of is not

an ordinary pleader, not a frothy declaimer, but such a man as may be the high priest of his profession; a man who, notwithstanding the rich endowments nature has bestowed upon mankind, shall appear to be divine; one whose qualifications, as a man, shall not seem to have been formed upon earth, but the peculiar gift of heaven: one who, dignified by the name of an orator, and not by the insignia of a herald, can walk unhurt in the front of his enemies: one whose tongue can expose to the hatred of his countrymen, and to punishment, fraud and guilt; and under the protection of his genius can free innocence from the penalties of the law: who can rouse a spiritless, desponding people to glory, reclaim them from infatuation, point their rage against the wicked, or sooth their resentment, if exasperated at the worthy? In short, one who, by his eloquence, can either awaken or compose all the emotions of the human soul, from whatever motive or cause they may proceed. It would be an egregious mistake in any man to imagine that this power has been explained by those who have wrote upon eloquence, or can be by me in this narrow compass; such a man must not only be unacquainted with my insufficiency, but even with the greatness of the subject. It is true, since you insisted on it, I have pointed out, in the method I thought most proper, the fountains from whence you may draw, and the roads that lead to this study; not that I pretend to conduct you in person, for that would be an infinite and a useless labour; I, for my part, have shewn you

you the way, and, as is usually done, pointed with my finger to the fountains.

CHAP. XLVII.

Surely, replies Mucius, to me it appears that you have said enough, and more than enough, to instigate them, if they are really ambitious of excelling: for as the renowned Socrates used to say he had gained his end, if, by his instruction, any person was effectually induced to study and to practise virtue; because, whoever is once in earnest in preferring no character to that of being a worthy man, will find very easy work in all the remaining part of the study; in like manner, I am persuaded that if you have a mind to acquire those principles which Crassus has explained in his discourse, the door which has thus been opened to you will be very easy of admission. It is true, answers Sulpicius, that what we have heard lays us under great obligations, and gives us much pleasure. But we are at a loss, Crassus, for a few things more. The first respects what you but slightly noticed, I mean the art itself; since you owned, that, so far from disregarding its forms, you had studied them. If you will explain these a little more fully, you will satisfy our eager curiosity: for now we have before us what things we ought to pursue; a point indeed of great consequence; but we further wish to be acquainted with the road, and other means that lead to their attainment. Suppose, replies Crassus, we

apply to Antony, who, a little while ago, lamented that he published a small work upon this subject, to explain his sentiments more fully than they are given in that publication, and thus to unfold to us the mysteries of eloquence; because, what I have said, has been to engage you more easily to stay with me, and in compliance rather with your pleasure than my own habits? With all my heart, answers Sulpicius; for, from what Antony shall deliver, we shall learn your sentiments. Then, says Crassus, we request you, Antony, since that task is, by the solicitations of these young gentlemen, imposed upon persons of our years, to explain your opinion of the matter in question.

CHAP. XLVIII.

I CLEARLY perceive, replies Antony, that I cannot evade your solicitations, not only as my opinion is asked respecting points in which I have neither knowledge nor experience, but as they will not permit me to avoid what of all others I most dislike, and what I generally avoided at the bar; which was speaking after you Crassus. But I will enter the more boldly upon the task you impose upon me, from this consideration, that I hope the same thing will happen to me in this discourse, as usually happens at the bar; that no embellishments of language are expected; for I am not now to speak of an art I never learned, but of my own practice: and the very observations I have entered into my common place-book

book are of this nature; as they were not suggested to me by any study, but by my own experience in speaking. If they are not approved by men of your great learning, you must blame your own unreasonableness, in demanding to know from me what I did not know myself. At the same time, you ought to acknowledge my wish to oblige you, as it is not from my own choice that I so readily comply with your request. Proceed, my friend, rejoins Crassus, I will venture to answer for it, that you will deliver nothing but with the good sense that will give us no reason to repent of having compelled you to speak upon this subject. For my part, replies the other, I will proceed, and do what in my judgment ought to be previously done in all disputes; which is, that the subject of debate should be defined, lest the conversation should deviate from the object in view, which is unavoidably the case, when those who converse affix to it different notions. For, supposing it were asked, in what consists the skill of a general, I should think it right, in the first place, to determine what constitutes a general; and having shewn him to be the person to whom the command in war is entrusted, I should then add what relates to an army, to a camp, to marching troops, to engagements, to sieges, to convoys, to forming and shunning ambuscades, and other matters that properly belong to a state of warfare. Whoever had a perfect knowledge of these, him I would pronounce to be a general. I would allege for examples the Africani and the Maximi; to-

gether with Hannibal, Epaminondas, and such other heroes. But were I asked, who is he that is most experienced in public affairs? I would shew him to be the man who knows and employs the advantages by which the welfare of a state is acquired and improved; I would insist that such a man ought to be regarded as the guardian of the state, and the cause of the public welfare. and here I would recommend the examples of Publius Lentulus, who once was the leading man in Rome, the elder T. Gracchus, Q. Metullus, P. Africanus, C. Lælius, with numberless others, both in Rome and other states. But if it were asked me, who can properly be termed a lawyer? I would answer; the man who knows how to give the most salutary advice respecting those customs and laws by which the several members of the community are regulated; I would name S. Ælius, M. Manilius, and P. Mucius, as men of this character.

CHAP. XLIX.

But to come to professions of a less important nature: if the description of a musician, of a grammarian, or a poet, were required, I would in like manner explain the object which each professes to have in view; and the precise qualifications, beyond which nothing more can be deemed necessary, and, finally, the philosopher himself, who pretends to comprehend, within the circle of his own knowledge, all the arts and sciences, I would

would describe to be him, who studies the causes and nature of all things divine and human, and who knows and pursues what leads to a happy life. But as to the orator, whose profession is the immediate object of our enquiry, I do not indeed conceive him such a person as Crassus would have him to be; for he seems to me to engross, to this single office, the knowledge of all the arts. At the same time, I allow him to be a person who, when pleading at the bar, knows to select the words that are most likely to impress his hearers and the arguments that are most suited to render his cause probable. Such a man I define to be an orator, and I would, at the same time, have him correct in pronunciation and action, and moreover to be endued with a certain polish: but our friend Crassus seems not to confine an orator within the bounds of that art, but within those of his own genius, which is next to infinite. For his discourse put into the hands of an orator the helm of government; and I own, Scævola, I was a good deal surprised that *you* granted him this concession; for I have very often seen the senate induced by a plain unlaboured speech to agree with you upon the most important affairs of state. But if M. Scaurus, who I hear is at his country seat not far from this, a man deeply versed in the affairs of government, were to hear you, Crassus, arrogate to yourself all the weight of his dignity and political knowledge, he would, believe me, soon be with us in person, and, by his significant looks, frighten us out of all this prating. For though he is no contemptible speaker, yet, in

matters of consequence, he trusts more to his good sense than his eloquence. Give me leave to say farther, that supposing a man possessed of both accomplishments, supposing him to take the lead in public debates, and to be an excellent senator, nevertheless he may not be a good orator; or supposing another possessed of eloquence, and at the same time of political sagacity, his knowledge is not by any means a necessary consequence of his skill in oratory. These qualities are not only very different, but entirely unconnected with each other; nor did M. Cato, P. Africanus, Q. Metellus, and C. Lælius, who were all of them eloquent men, by the same means attain to excellence in speaking and to dignity in the state.

CHAP. L.

For there is nothing, either in the nature of things, nothing in any law or custom, to hinder a man from mastering more than one art. If Pericles therefore was a most eloquent man, and at the same time a leader in all the public deliberations of the state for many years, we are not hence to conclude that his abilities in both are owing to the same cause; nor, if P. Crassus was a good speaker, and at the same time a good lawyer, that the knowledge of the civil law is for this reason necessarily connected with eloquence. For if every man who is eminent in some one art shall likewise associate with it another, the

the consequence will be, that the profession, thus associated, will appear but a branch of that in which he is eminent. Otherwise we may pretend, that to play at tennis, or at pebbles, is a property of the civil law, because P. Mucius is very skilful in both. And by the same rule, the men, termed by the Greeks natural philosophers, ought to be accounted poets, because Empedocles the naturalist wrote a finished poem. Even the philosophers themselves, who claim every subject as belonging to their study, dare not maintain that geometry and music are within the province of philosophy, because it is allowed that Plato was in the highest degree master of those sciences. However, if you will insist upon subjecting all arts to eloquence, you had better say, that as eloquence ought not to be meagre and unadorned, but enriched, and, as it were, decorated by a variety of ornaments, he is a good orator who has heard, who has seen, who has meditated upon, and read of, the greatest number of objects which he does not possess as his own, but as auxiliaries to his profession: for I own that an orator ought to have address, experience and correctness, and to be not a guest or a stranger, but as it were an inmate of the commonwealth.

CHAP. LI.

Nor indeed, Crassus, am I at all impressed with those pompous declamations, which, in your late discourse, you borrowed from the philosophers,

when you said that no man could either inflame, or, when inflamed, allay the passions of an audience, effects by which the chief power of an orator is discerned, unless he has a clear insight into the nature of things, the manners, and views of mankind; in which case, philosophy becomes the necessary study of an orator; a study in which we have known men, even of the most consummate genius, and the greatest leisure, waste their whole lives; men, whose various and extensive attainments, so far from despising, I admire; but, as for us, whose business lies with the people, and in the forum, it is sufficient if we know and can talk just so much of the manners of mankind as to shew us not to be unacquainted with the world. For did ever any sensible orator, when he wanted to excite the anger of the judge against his adversary, hesitate at this because he did not know whether anger was a fervour of the mind, or a desire of revenge? Was there ever a man, who, when he wanted to agitate the judges or the people, with any other of the human passions, expressed himself in the same terms with those philosophers, some of whom say that the mind ought not to be susceptible of any emotions, and that they who, in pleading, excite the passions of the judges are guilty of detestable practices, while others, wishing to appear not so rigid, but accommodating themselves to real life, maintain, that the emotions of the mind ought not to be violent, but rather to be tranquil? But an orator, by his language, exaggerates every thing that, in common life, is deemed

deemed evil, troublesome, and to be avoided. At the same time, he magnifies, by his eloquence, those objects, which to the generality of mankind are inviting and lovely: nor does he want to be thought so very wise among fools, as that his hearers should take him either for a pedant, or a minute philosopher of Greece; for while they approve of the genius and admire the good sense of the orator, they will take it very ill that they are regarded as uninformed. But he seizes the passions of his audience, and so charms their senses as not to need the definitions of philosophers, or to examine whether the chief good is seated in the soul or the body; whether it is to be defined by virtue or pleasure, or whether these two can unite together; or, finally, whether the opinion be just which some hold, that we can arrive at a certain knowledge of nothing:—all these are points, I confess, of great and extensive learning, and which admit of many copious and various reasonings. But, Crassus, we are discussing the merits of a very different question; we seek a clear-headed man, sagacious by nature and improved by practice; one who has good sense enough to perceive what are the inclinations, the sentiments, the opinions, and the hopes of his countrymen, and of the persons to whose understandings he addresses his discourse.

CHAP. LII.

He ought to have within himself, as it were, the springs which set in motion men of every

kind, age, rank, and to sympathise with the feelings of those with whom he has or is likely to have any dealings. But as to the writings of philosophers, let him reserve those to the leisure and repose of a private discussion, like the present; lest, if he should at any time be obliged to speak upon justice and honour, he should imitate Plato; who, in endeavouring to explain these points in his writings, created a new community, to be found only in his books; so widely did his sentiments of justice differ from the customs of life and the institutions of states. But if these maxims are to be approved of by the public, who, Crassus, would have allowed you, though possessed of distinction and influence beyond any other in the state, to express yourself in this manner in a large assembly of your countrymen? [i] Deliver us from our CALAMITIES; deliver us out of the JAWS of those whose cruelty cannot be satiated with our blood; suffer us not to be SLAVES to any but yourselves, to whom we owe and are willing to pay due submission. [k] I omit those calamities into which, as the philosophers maintain, a brave man cannot fall. I pass over those jaws, from which you wanted to be delivered, lest

[i] *Deliver us from our calamities.*] These are the words of Crassus in an oration which he pronounced before the people upon a difference that happened betwixt the senators and the knights. This fragment is sufficient to shew the distress to which the senate was reduced upon that occasion.

[k] *I omit those calamities.*] The reader, in this and many other passages, will perceive, that Cicero alludes to the opinion of the Stoics, who admitted of no mediocrity in principles, and made no allowances for passions and circumstances.

lest your blood, by an iniquitous proceeding, should be absorbed; a circumstance which, according to them, cannot happen to a wise man; but you ventured to go so far as to say that not only you, but all the senate, whose cause you was then pleading, were enslaved. Can virtue, my friend, be enslaved, according to those authors whose dictates you comprehend in the office of an orator? Virtue, the only thing that is eternally free; virtue, that while bodies are taken in war, or bound in chains, ought still to assert her own freedom, the loss of which nothing can compensate. But you farther added, that the senate not only could, but ought to be the slaves of the people. What philosopher is so effeminate, so tame, so dependent upon corporeal pleasure and pain, for happiness or misery, as to admit of this doctrine? That the senate should be the slaves of the people, they to whom the people have entrusted, as it were, the reins of government wherewith to check themselves?

CHAP. LIII.

THIS, in my opinion, was uttered with divine energy, but [1] P. Rutilius Rufus, a learned man, and a philosopher, maintained that what you said was not only improper, but base and criminal. The same person used to blame [m] Servius

[1] *P. Rutilius Rufus.*] Cicero has here introduced the character of a true stoic in the person of this Rutilius.

[m] *Servius Galba.*] This Galba was a very artful, cunning man; when he was governer in Spain he was guilty of great oppression and cruelty, and therefore impeached upon his return.

vius Galba, whom he said he well remembered, because, in an action brought against him by L. Scribonius, he excited the compassion of the people, when M. Cato, the severe and implacable enemy of Galba, declaimed against him with great bitterness and vehemence, before the people, in a speech which he himself has published among his antiquities. The circumstance, however, for which Rutilius blamed Galba, was because he had raised as it were upon his shoulders the young son of Caius Sulpicius Gallus, who was his relation, and thereby drew tears from the people, upon their remembering how dear his father had been to them; and recommended himself and his two infant sons to the protection of the Roman citizens; and had, in the manner usually done by soldiers, without observing the usual forms, left the people of Rome the guardians of those orphans. Rutilius said, that, by those pathetic strokes, Galba, though detested by the people at that time, was acquitted; and I find the same assertion made in the writings of Cato, who observes, that, had it not been for the children and his tears, he had certainly been condemned. Rutilius expressed great indignation at all this, and said, that banishment, and even death, was preferable to such humiliating supplications; and he not only said this, but proved, by his practice, that he thought as he spoke; for he was, as you know, a model of integrity, and though no man in Rome was more upright in his conduct and in his principles, he not only refused to supplicate the judges, but to use any other means of defending himself, but

the simple language of truth. He allotted some part of his defence to Cotta, a most eloquent youth, the son of his sister. Q. Mucius likewise had some share in that defence, and spoke in his own way, without pomp, but with purity and perspicuity. But if you, Crassus, who a little while ago maintained that an orator, in order to perfect himself in eloquence, must have recourse to the disquisitions of philosophers, had then pleaded, and had you been at liberty to have spoken for Rutilius, not as a philosopher, but in your own character as an orator, though those wicked men were really the cause of much evil to the state, and deserved severe punishment, yet the power of your eloquence would have eradicated from their inmost breasts the sense of their guilt; now we have lost the man, who, in making his defence, spoke as if he had been tried in Plato's utopian commonwealth. Not a sigh was heard; no shouts of approbation proceeded from any of the advocates; not a pang was felt; not a complaint was made; nobody implored the state; nobody interceded for the accused. In short, nobody so much as stamped the ground with his foot; for fear, I suppose, lest it might offend the Stoics.

CHAP. LIV.

This Roman senator imitated the ancient Socrates, who, though he surpassed all other men in wisdom and purity, was yet tried for his life, and

and at his trial spoke in such a manner as to appear not a suppliant or a prisoner, but the lord and master of his judges. So that when Lysias, a very eloquent orator, brought him a ready composed oration, which he might have committed to memory, and repeated in his defence, he, on reading it, which he did without objection, acknowledged it to have been well written; but, he added, if you brought me Sicyonian shoes, that were very neat, and just fitted me, I should refuse to wear them, because they little become a manly character; so I think this oration is eloquent and animated, but not strong and magnanimous. The consequence of this was, that he too was condemend; not only in the first votes, by which the judges only determine whether they shall condemn or acquit, but in the sentence which, by their laws, they are afterwards obliged to pass. For at Athens, when the accused was condemned of any charge not capital, the punishment admitted of being extenuated. When in consequence of the first sentence, the accused was left to the power of the judges, he was asked, what he could chiefly plead in mitigation of punishment? Socrates being asked this question, answered, that he deserved to be distinguished with the highest honours and rewards; and that provisions should be served up to him in the [a] Prytaneum, every day and in a public manner; which in Greece is looked upon as the highest mark of honour. This answer so much exasperated

[a] *Prytaneum.*] This was a place in Athens where their public affairs were transacted.

rated the judges, that they condemned to death that most innocent person, who, if he had been acquitted, which I own is nothing to us, though I cannot help wishing his acquittal, on account of his great genius, how can we bear with these philosophers, who (though Socrates was condemned for no other crime but his want of Eloquence) pretend, that all the rules of speaking are to be derived from them? I contend not with them about the superiority or truth of the two professions, I only affirm, that eloquence is different from philosophy, and may, without it, be perfect.

CHAP. LV.

For now I perceive, Crassus, the reason why you so warmly extolled the civil law; which, while you were speaking of it, I did not perceive. In the first place, you recommended yourself to Scævola, whom all of us have the greatest reason to love, for his great affability of temper. His profession, which you found unendowed, unattended, and unadorned, you set off by enriching it with the treasures of language. In the next place, as you had bestowed a great deal of pains and labour upon this profession, while Scævola was the promoter and guide of your studies, you were afraid, if you did not exaggerate its merits by your eloquence, that you had lost your labour. But I do not even find fault with that attainment; let it have all the importance you have ascribed to it. For without doubt it is great, extensive, generally

rally important, highly honourable, and our most eminent citizens are now at the head of that profession. But beware, my friend, lest, while you want to dress out the study of the civil law, you strip it bare of those ornaments that belong to it. If you had represented law and eloquence as mutually dependent on each other, you would have laid the foundation of two eminent pursuits, equal in themselves, and sharing the same dignity. But, by the argument you just now used, you confessed that a man may be, as many have been, a lawyer, without that eloquence which is the subject of our present enquiry; but you deny that without the knowledge of the civil law it is possible to form an orator. Thus, you represent a lawyer in himself as nothing but a legal quibbler, a crier of courts, a declaimer of forms, and a hunter of precedents. But, because an orator while pleading often makes use of law, you have joined the study of the law to that of eloquence, as if the former were but a subordinate branch of the latter.

CHAP. LVI.

But, as you have expressed your surprise at the impudence of those advocates, who with very little knowledge make very great professions, or in causes presume to treat of the most important points in the civil law, though they, as having never learnt, are ignorant of them; both these seeming absurdities may be very easily and readily defended. For we are not surprised that a man who

who is ignorant of the forms of a marriage contract, should be capable of espousing a woman who has been already betrothed. Though the art of navigating a great and a small vessel is the same; yet it does not follow that he who is unacquainted with the form of drawing up an agreement, should, for that reason, be incapable of pleading a cause upon the distribution of the estate of a family. As to the instances you alleged of some important trials before the Centumviri, which of them could not have been very eloquently conducted by a man of eloquence, though unskilled in the law? In all those causes indeed there was a wide difference of opinion among the greatest men of the law; especially in that of Manius Curius, which was lately pleaded by you; in the case of C. Hostilius Mancinus, and of the child born of a second wife, without any intimation of the father's intention to marry being sent to the former, which was still alive. I should, therefore, be glad to know what assistance the knowledge of the law can afford to an orator in those causes wherein the lawyer, who has the superiority, succeeds not by means of his own, but of a foreign profession? I mean he is supported, not by his skill in law, but by eloquence. Indeed I have often heard, that when Publius Crassus stood for the ædileship, and was supported by Ser. Galba, who was his senior, and of consular dignity, because he had betrothed the daughter of Crassus to his own son Caius, that a certain countryman applied to Crassus for his advice:

after he had taken Crassus aside, and laid the matter before him, he was dismissed with a very just answer, but less favourable than the situation of his affairs required: that when Galba saw him look melancholy, he called him by name, and asked him what the affair was respecting which he had consulted Crassus? The man told him with a visible concern what it was; I see, answered Galba, that Crassus hath given you his opinion while his mind was perplexed in another business. He then took Crassus by the hand, and asked him, "what did you mean by giving such an opinion?" On this that great man began to insist that his opinion was unquestionably right. But Galba, by various and numerous allusions, alleged many parallel cases, and spoke much in defence of equity against law; that Crassus being no match for Galba, though an able speaker, but not at all equal to the other, he hastened to his books, and brought the writings of his brother Publius Mucius, and the commentaries of Sextus Ælius, as vouchers for what he advanced; yet, at the same time, he owned that the reasonings of Galba were very plausible, if not altogether solid.

CHAP. LVII.

YET causes that are of a nature, not to admit of doubt in point of law, never used to be tried in courts. For who claims an estate by virtue of a will, which a father had made before his son was born?

born? None, because such an event sets the will aside; so that cases of this kind admit of no dispute in law. An orator therefore may without any blame be ignorant of this part of the law in actions, a part that without doubt is by far the greatest. But, in law cases, that are discussed by men of the greatest skill in their profession, it is no difficult matter for an orator to find some authority, from which he may receive weapons to defend the part he supports, and direct them when thus received with the nervous force of eloquence. But, (I speak with the indulgence of my good friend Scævola) when you defended the cause of your father-in-law from writings and rules of law, did you not urge, in your defence, the principle of equity, the right of testaments, and the intention of the deceased? But give me leave to say, as I was myself present and heard you, that you obtained the greater part of the votes by your wit, your humour, and your delicate strokes of raillery. When you derided the mighty discovery made by Scævola, and admired his penetration in finding out, *that a man, before he dies, must be born;* when you cited many authorities from the decrees of the senate, from common life, and common conversation, with much wit, raillery, and acuteness, all tending to prove, that if we are to follow the letter more than the spirit of a deed, justice in no-wise can be attained. The trial was conducted indeed with a great deal of mirth and pleasantry, but I could not understand that the knowledge of the civil law was of any service to you; but

your extraordinary powers of eloquence, joined with consummate elegance, was of the greatest avail. Mucius, himself the defender, and, as it were, the champion of paternal inheritance, when he pleaded against you in that cause, what did he display that seemed taken from the study of the civil law? What statute did he quote? What obscurity did he clear up to the unlearned in any part of his speech? His whole object was to prove, that the letter of a deed ought to have the greatest weight. But what is this more than every school-boy practises under his master? as, in causes of this kind, scholars are taught sometimes to defend the letter, and at others the equity of a deed. And is it likely that, in the * cause of the soldier, had you appeared in behalf of the soldier's claim, that you would have placed the stress of your pleading upon the precedent of Hostilius, and not in those eloquent powers of address which are so peculiar to yourself? Had you defended the testament, you would have shewn that the right of wills was fundamentally called in question in this trial; or had you defended the cause of the soldier, you would in your own way have raised his father from the grave; you would have placed him before our eyes; he would have embraced his son, and with tears in his eyes would have recommended him to the protection

* *Cause of the soldier*, &c.] Pontius, who had sent his son to the war against the Cimbri, persuaded by a false information that he was there slain, appointed by his will Torquatus for his heir, and died: but his son, his lawful heir, on his return from the army, got the will to be set aside by a decree of the senate.

protection of the Centumviri. By heavens! he would have forced the marble walls to weep aloud, so that the maxim to decide agreeably to the intention of the testator, written in the twelve tables, which you prefer to all the libraries in the world, would have had no more weight, than if it had been recorded in an old ballad.

CHAP. LVIII.

As to the charge of indolence you brought against the young men who neglect to study this very easy art;—that it is easy of attainment will not be allowed by those who pride themselves upon the acquisition of it, as though they had compassed the most difficult task in the world. In the next place, consider, I beseech you, what *you* have said, namely, that it is a very [p] easy *art*; at the same time you owned that it was not absolutely an *art*, but that some time or other, if somebody should learn another *art* for reducing this into an *art*, then it would be an *art*. Moreover, with regard to its being delightful, these gentlemen will freely make over to you all their share of the pleasure, and are contented to be without it; nor is there one amongst them, who having any thing to study, would not chuse rather to commit to memory the [q] Teucer of Pacuvius, than

[p] *Easy art.*] I have purposely preserved the repetition of the word *art*, because Antony seems to intend that it should throw the reasoning of Crassus into a ridiculous light.

[q] *Teucer of Pacuvius.*] This Pacuvius, the son of the famous

than the statutes of Manilius, respecting bargains and sales. As to your opinion, that the love of our country ought to stimulate us to study the institutions of our ancestors, do not you see that the old statutes either are become obsolete, or repealed by new laws? But you think that the civil law renders men good, because it enacts rewards for virtue, and punishment for vice. I always was of opinion that if[r] virtue can be communicated by reason, it is to be communicated by precept and persuasion, and not by menaces and compulsion. For even without the knowledge of any positive law, we may be sensible of the beauty of this maxim, to guard against evil. But with regard to myself, to whom you concede as a privilege peculiar to myself, that I am able to act in causes without the least knowledge of the law,

mous poet Ennius, being himself an excellent tragedian, was born at Brundisium, and died in extreme old age; for Quintilian says, he lived about ninety years. We have his epitaph in A. Gellius, b. 1. ch. 24. thus wrote by himself, which may serve to shew his great modesty.

Adolescens, tamen etsi properas, hoc te saxum rogat,
Uti ad se aspicias: deinde quod scriptu'st legas.
Hic sunt poetæ Marcei Pacuvii sita
Ossa. Hoc volebam nescius ne esses. Vale.

[r] *Virtue can be communicated.*] The pagan philosophers, as well as the Christian divines, had their disputes upon the subject of virtue; namely, if one could be virtuous by the assistance of nature alone, without the assistance of reason, or if they both contributed. Socrates was of the last opinion, but others declared for the first, saying, that virtue depended upon the constitution of our temper. The Peripatetics followed the mean between both extremes, for they taught that there is a seed of virtue implanted in our souls that flourishes by supernatural aid.

law, my answer, Crassus, is, that I never either studied the civil law, nor was I ever sensible of any loss for not knowing it, in those causes which I was capable of managing in our courts. For it is one thing to be a complete master of any particular profession, and another to be not unacquainted with common life, and the general practice of the world. Which of us would not go round his estates, or decline looking into his affairs in the country, either for profit or delight? Yet there is no man so devoid of sight and sense, as to be absolutely ignorant of all that relates to seed-time and harvest, to the pruning of trees and vines, at what time of the year, and after what manner they are done. If therefore any gentleman was to survey his estate, or to give any orders to his steward or his manager in the country respecting agriculture, must he make himself master of the works of [a] Mago the Carthaginian? Or ought we to be contented with the common knowledge we have acquired on this subject? Why therefore, in like manner, may we not be sufficiently skilled in the civil law, especially as we are worn out by the business and practice of the forum, so far, at least, as not to appear entire strangers in our own country? But if some cause more intricate than usual were laid before us, do you imagine it would be very difficult for us to consult

[a] *Mago the Carthaginian.*] The author of eight and twenty books upon country affairs; which were judged to be of so great use, that Dionysius of Utica, by order of the senate, translated them into Latin. There remains to this day some fragment of the said work in the Vatican library at Rome.

consult our friend Scævola, though the very people who laid their causes before us bring every thing to us ready consulted and prepared? But if the dispute should turn upon a matter of fact, upon marches which lie at a distance, upon deeds and prescriptions, we must then make ourselves masters of more knotty and more intricate points. If we are to explore the laws or the opinions of eminent professional men, have we reason to fear, though we have not studied the civil law from our youth, that we shall not be able to master these?

CHAP. LIX.

But you will ask, is the knowledge of the civil law then of no benefit to an orator? I cannot affirm this of any study, especially with regard to the person whose eloquence ought to adorn the different subjects he treats of; but those qualities that are indispensable to an orator are so many, so great, so difficult, that I am unwilling his attention should be occupied in too many pursuits. How can any one deny that an orator's manner of speaking may not be improved by the graceful action of Roscius, yet it never came into any man's head to persuade those young gentlemen who study rhetoric to practise the airs of a player, while they are studying action. To an orator what is so necessary as a good voice? Yet no one, who wishes to speak well, will ever with my concurrence make the management of his voice the principal object of his attention, as is the case with

with the Greeks and the tragic actors, who for many years together declaim in their seats, and every day, before they pronounce a word, in their beds gradually raise their voice, and when they have done pleading sit down, and, as it were, measure it by a scale, from the sharpest to the fullest tones. Were we to follow such a practice, our clients would lose their causes as often as we attempted it, [1] before we could get half through the scale. But if it be improper for us to be at much pains about our gesture, which is of great service to an orator, and our voice, which of itself is a powerful auxiliary of eloquence; and if, in improving both, we are to regard the conveniency and the leisure which we have from our daily practice; how much less important is it to descend to the study of the civil law? which, in general, can be understood without a professional knowledge of it, and is so far different from the voice and action, that these, upon any emergency, cannot be derived from another quarter; whereas all the utility of the civil law in any cause, may, on the shortest notice, be known either from books or its professors. For this reason, those very eloquent men have their assistants, who are skilled in law affairs, though they themselves know nothing of the matter, and those assistants, as you observed a little while ago, are called solicitors. In this respect, our countrymen take a much better method in guarding the laws

[1] *Before we could get half through the scale.*] All this passage for two or three lines before can scarcely be translated; the original is *peanem aut munionem*, which probably answers to our *sol fa la*.

laws and the rights of their country by the authority of the most eminent men. But the Greeks, if they thought it necessary that an orator should himself be skilled in the civil law, and not leave every thing to a solicitor, would never have neglected this precaution.

CHAP. LX.

As to what you say about old age being secured against solitude, by the knowledge of the civil law, that may be admitted, for they commonly make a great deal of money by it; but the subject of our enquiry respects not what is useful to us, but what is necessary to an orator. And, because we derive from one artist in his way a great many properties resembling those of an orator; [n]the same Roscius used to observe, that the older he grew he would render the musical notes, and the recitative, more slow and remiss; but if he who was bound down to certain numbers and dimensions, studied how to indulge his old age, with how much greater ease may we not only relax, but even alter the whole strain? For you, Crassus, must be sensible how manifold and various are the modes of eloquence, and I know not but you yourself prove this, since you have long

[n] *The same Roscius.*] It would appear from this, and many other passages of antiquity, that the Roman players, while they were acting, spoke to certain airs of music which accompanied their voice.

long spoken much more deliberately, and with less vehemence, than you used, and yet the smoothness of this grave manner is as much approved of as all the commanding power of energy you formerly exerted; and there have been many speakers, who, in the manner said to be used by Scipio and Lælius, always delivered themselves in a smooth manner, and never, like Servius Galba, exerted themselves with loudness and violence. But, supposing you are neither willing nor able to practise this at such a period of life, would you be afraid that your house, the house of such a man, such a citizen, if unfrequented by legal disputants, would be deserted by others? Indeed so far am I from that opinion, that I not only think that the comfort of old age does not consist in the multitude of those who come to consult upon law affairs, but would long for your dreaded solitude, as a refuge in which I might repose; for I look upon retirement as the most charming solace of old age. As to the other points, even though they are useful, I mean the knowledge of history and the municipal law, [x]the progress of antiquity, and variety of precedents, if at any time I have occasion for them, I would consult my friend Longinus, who is both a very worthy man, and extremely well versed in such

[x] *The progress of antiquity.*] Cicero probably means by the expression of *iter antiquitatis*, which is in the original, the progress which the laws of the twelve tables made from one country to another, before they were digested and became the laws of Rome.

such matters; neither am I against the advice which you just now gave, that they should read, attend the discussion of every subject, apply to every commendable study, and every branch of polite learning. But, indeed, Crassus, if they should resolve to follow your dictates, I do not see what time they can have for accomplishing it; you likewise seem to me to lay too severe a task upon gentlemen of that age, though I own it almost necessary to the attainment of their object. For unpremeditated speaking upon causes that are proposed, and correct, digested declamations, together with the use of the pen, which, as you have well observed, form a finished orator, are tasks which require effort and resolution; and the comparison which you mentioned one ought to make betwixt his own and those of others compositions, together with the extemporary practice of praising or reprehending, of defending or refuting, the writings of another author, is no easy matter, either for the memory or the judgment to compass.

CHAP. LXI.

But another observation which you made was truly formidable, and I fear more calculated to discourage than to promote the study of oratory; for you insisted upon each of us being, as it were, a Roscius in his profession; you said that excellence was not applauded in the degree that defect

defect excited disgust; yet I do not think that our exhibitions are examined so critically nice as those of an actor. (In proof of this, I have often seen an audience profoundly attentive to gentlemen of our profession, even though they were hoarse; because the superior importance of the subject engages their attention; but if Æsopus has but a little hoarseness he is hissed.) For when people look for nothing more than to please their ears, they are offended with every circumstance that in the least takes off from that pleasure. But in eloquence there exist many properties which are interesting enough to please them; and if all of these are not, as is generally the case, of the greatest consequence, it necessarily happens that those which are so should appear admirable. But to return to the principal subject; suppose an orator be a person, as Crassus has described him, who knows the most proper method of persuading; I would have him confined to the usual practice of this city and forum. Quitting all other studies, however inviting and noble, he should, as I may say, night and day press to this mark; he should imitate Demosthenes, the Athenian, who is allowed to have been an excellent orator, whose application, it is said, was so indefatigable, that, by habit and perseverance, he surmounted the defects of nature. For having such an impediment in his speech, that he could not at first pronounce the first letter of the rhetorical art, he grew so correct by art and practice, that he was thought to pronounce this letter as distinctly as any man of his

his time. He laboured, moreover, under great difficulty of breathing, yet, by suspending his breath, he attained so free an utterance, that in one continued period, as may be seen in his works, he twice raised and lowered his voice. We are farther told, that putting pebbles into his mouth, he used in one breath to pronounce aloud a number of verses, and that too not standing, but walking, and mounting a steep ascent. I am, Crassus, entirely of the same opinion with you, that young gentlemen ought to be quickened to study and application by such motives as these. As to the other accomplishments, which you have collected from the provinces of other professors, though a master of them all yourself, yet they are, I think, quite distinct from what constitutes the proper business and office of an orator.

CHAP. LXII.

When Antony had concluded, Cotta and Sulpicius really seemed at a loss to know on whose side the truth lay. On this Crassus observed, you my friend have given us a speaker who is not much better than a mechanic: and I suspect that you have not expressed your own sentiments, but had recourse to that wonderful talent for refuting, which is so peculiar to yourself, and which indeed forms one branch of an orator's profession, but has, for some time, been appropriated by philosophers, especially those who used to speak on both sides of any question proposed to them, with

with the greatest readiness. But it never entered into my mind, that what I had to do, especially in this company, was to delineate the qualifications of a man, who dwells in the lower forms of a court, and never rises above what the immediate nature of his cause requires. No; I fixed my attention upon a higher character, when I gave it as my opinion, that an orator, especially a Roman orator, ought to be destitute of no accomplishment. But as you have confined the profession of an orator within certain narrow bounds, it will be the more easy for you to explain to us what you require, as to his duties and learning. But I think we may refer that to another day; for at present we have said enough. Scævola, as he proposed to go to Tusculanum, should rest a little till the heat is abated, while we should, since the time of the day requires it, take the exercise necessary to our own health. When the company agreed to this, Scævola said, I wish indeed that I had not appointed this day to see Lælius at Tusculanum; I should then have heard Antony with great pleasure; and rising up, he added, with a smile, really it did not give near so much pain, that Antony pulled the civil law in pieces, as it gave me pleasure that he confessed he knew nothing of it.

THE END OF THE FIRST DAY'S CONFERENCE.

M. TULLIUS CICERO

ON THE

CHARACTER OF AN ORATOR.

THE SECOND CONFERENCE.

CHAP. I.

MY dear brother, if you remember, when we were boys, we were firmly persuaded that Lucius Crassus knew but the rudiments of knowledge, and that Antony was entirely unacquainted with learning; there were many others of this opinion, who, to divert with greater ease our eagerness in the pursuit of eloquence, industriously circulated what I have just now advanced; and inferred, if men while yet unlearned possessed the soundest sense, and a wonderful eloquence, that all our labour must be in vain, and that the care which our excellent and wise father took of our education, proved no real benefit. We used, while yet boys, to confute these positions, by instances within our own family, our father, and our friend Caius Aculeo, and our uncle Lucius Cicero; because our father, and Aculeo, who had married our aunt, and was a great favourite with Crassus, and our uncle, who accompanied Antony in his journey to Cilicia, told us a great deal

deal, with regard to his early attainments. And as we were pursuing, together with our cousins, the sons of Aculeo, those studies which Crassus approved, and received instruction from those teachers whom he employed, we understood (for though we were boys we had sense enough to see this), that he spoke the Greek language so well, that one would have though he was master of no other tongue, and that he proposed such questions to our teachers, which he himself discussed in such variety of style, that nothing seemed new, or foreign, to his knowledge. As to Antony, though I had very often heard from my uncle, a person eminently informed, with what assiduity he attended the discourses of the learned, both at Athens and Rhodes, yet, when I was but a very young man, I often put a great many questions to him, so far as it was consistent with that modesty which is natural to youth. I own, that at present I write nothing that is new to you, for, even at that time, I informed you, that in all the various subjects I touched upon, I never found him either a novice, or uninformed in any point, provided it lay in those arts of which I could form any judgment. But these two great characters differed in this, Crassus affected to appear not to be ignorant of, but to despise, those points, and to prefer, upon every subject, the good sense of his own countrymen to that of the Greeks: but Antony thought the best way to recommend his eloquence to the people, was to appear as if he had never learned any thing. Thus, the one thought he would have greater

weight by despising and the other by seeming to know nothing at all of the Greeks. As to the views which each entertained in this, they are nothing to our present purpose: but there is another which directly coincides with my design on this occasion; namely, that no man ever made a figure, or excelled in eloquence, unless he studied it as an art, and cultivated all the branches of human knowledge.

CHAP. II.

For almost all other arts exist independently of one another, but that of eloquence, which is the art of speaking with judgment, skill, and elegance, hath no determined limits within which it can be confined. An orator must be eloquent upon every subject that admits of discussion; if he cannot make it appear that he is capable of this, he should leave the profession of eloquence. At the same time I own, that, both in this country, and even in Greece, where this profession has ever been in the highest reputation, numbers, of the finest genius and greatest talents in speaking, have appeared, without being absolute masters of all the sciences; but that such eloquence, such command of language as Crassus and Antony possessed, can exist, without the knowledge of every subject that bears any affinity to so distinguished a faculty, is what I positively deny. This has induced me the more freely to commit to writing the conversation which they once had together upon these subjects: both to refute an opinion,

opinion, universally prevalent, that Crassus was not the most learned man of his age, and that Antony was entirely illiterate, and also, if by any means it be possible, to preserve, upon record, what I thought a divine discourse on the subject of eloquence, which was delivered by the greatest of men, and even to do all I can to rescue from oblivion the glory of their names, which is now beginning to fade from the recollection of men. For, if there were any means of being acquainted with their merit from their own writings, perhaps I should not think myself obliged to be at so much trouble; but as the one wrote very little, I mean that few things written by him have come to our hands, and what he did write was when a very young man, and the other left scarcely any thing behind him, I thought it was a duty I owed to the memory of those great men, if I could, to render it immortal; especially as the remembrance of them both still dwells lively in my mind. This I attempt with the fairer prospect of success, as I do not write any thing concerning the eloquence of S. Galba or C. Carbo, where I might indulge in a fiction that could no longer be refuted by the testimony of any living. But what I publish is well known to those who have often heard the very persons I mention. Thus, I shall recommend two of the greatest men, to such as never saw either of them, by the evidence of those who are now alive, and upon the spot, and who have both seen and remember them.

CHAP. III.

Nor think, my excellent and affectionate brother, that I propose to imitate you in some oratorical works which you suspect to be inelegant and uninteresting; for what style can be more polished or beautiful than yours? but, as you abstained from public speaking from choice, or, as Isocrates, the father of eloquence, writes of himself, from diffidence, or an ingenuous sense of inability, or, to use your own humorous language, because one talker was enough, not only in one family, but almost in one state; yet I do not think that these writings will be ranked by you in that class, which is deservedly ridiculed for the poverty of those authors in all the fine arts, who have lectured upon the subject and study of eloquence. For it appeared to me, that nothing was omitted in the conversation of Crassus and Antony, that any man of the greatest parts, the most vigorous application, the deepest learning, and the widest experience, could be supposed to have acquired: this you may easily be a judge of, as you have chosen to acquire the science and theory of speaking from your own good sense, but have left the practice to me.—But that I may the sooner finish the important point I propose to handle in these pages, without any farther preamble, I shall proceed to the discussion of my subject. To begin then; the day succeeding the above conversation, at eight in the morning, before Crassus got out of bed, while Sulpicius

Sulpicius was sitting by him, and Antony walking with Cotta in the portico, the aged Q. Catulus, with his brother, [y] C. Julius, unexpectedly came to see them. When Crassus heard this, he rose in some confusion, and they were all in an amazement, suspecting that the motives of their visit was something more than ordinary. After the usual compliments had passed, Crassus says, I am glad to see you, gentlemen; any thing new? Nothing at all, answered Catulus, for you know the games are celebrating, but I fancy you will think us very impertinent, or very troublesome. When Cæsar came last night from his own country seat, to me at Tusculanum, he told me he had met Scævola in his way from you, who told him some things that surprised him; namely, that you, whom I could never, by any means, engage in a dispute, discussed, at great length, with Antony, the subject of eloquence, and that you conducted the discussion as in a school, almost in the manner of the Greeks. For this reason, my brother prevailed on me to come hither, though I own myself I was not very averse from hearing you, but was afraid lest we should intrude upon you in an unseasonable hour. For he told me that Scævola had said, a good part of the conversation was deferred to this day. If you think this was taking an undue liberty, you must impute

[y] *C. Julius.*] The reader is not to imagine that this was the famous dictator, though of the same name and family; for the dictator was not above ten years of age at the time when this conversation is supposed to pass.

impute it to Cæsar, but if it be deemed a freedom, not inconsistent with friendship, impute it to us; for it certainly gives us a great deal of pleasure to wait upon you, if our visit be not unseasonable.

CHAP. IV.

INDEED, replies Crassus, whatever was the motive that brought you hither, I am exceedingly pleased to see, at my house, men whom I so much love and esteem; yet at the same time I speak but the truth, when I declare that I had rather you came here from any other motive than that which brought you. I can say from my heart, that I never was less pleased with myself than I was yesterday. Yet it happened rather through good-nature than any other fault of mine; for while I was indulging the young gentlemen, I forgot that I was, myself, an old man doing what I had never done, even while I was young, that is, disputing upon points of science. But one thing happens luckily enough, that my part is played, and Antony now appears upon the stage. Then answers Cæsar, indeed Crassus, I am so desirous of hearing you in a long, continued debate, that rather than be disappointed I should prefer listening to you in common conversation. I am indeed willing to try whether my friend Sulpicius, or Cotta, have more influence with you than I, and to prevail with you to extend some part of your good nature to Catulus and myself. But if that is any way disagreeable to you, I will not press

press it, nor, while I dread lest you should be impertinent, will I run the risk of your thinking me so. Indeed, replied he, Cæsar, of all the words in our language, the word [z] *impertinent* conveys the most pointed signification; for the person whom we call *impertinent* incurs that epithet from being destitute of propriety; and this word is of great extent in our language; for the man who neither knows how to suit himself to the occasion, who speaks too much, or affects to display his parts, or has no regard to the character or convenience of the company, or to any other respect, or who is either awkward or loquacious, that man is *impertinent*. This is a fault with which the learned Greeks so abound, that they have not even a term to express it; so that if you should ask how the Greeks describe a man that is *impertinent*, you will find no answer to the enquiry. But of all the innumerable tribes who are *impertinent*, I do not know if any are more so than they who, like the Greeks, without any regard to place or persons, dispute, with great eagerness, upon points that are either very abstruse or unimportant. These young gentlemen yesterday engaged us, against our inclinations, in this practice, which I now condemn.

CHAP. V.

On this Catulus observed: Why, Crassus, even the Greeks, who, in their country, were eminent and

[z] *Impertinent.*] The original is *ineptus*; literally *unfit, inappropriate.*

and great, as you are, and as all of us desire to be, in this, were far from being like their countrymen, who, in these days,[a] stun our ears. But yet they did not, in the leisure of retirement, at all decline disquisitions of this kind: and though they who pay[b] no regard to seasons, to places, to the characters of men, may appear, as they ought, impertinent, in your eyes, yet at the same time doth not this place seem very inviting? Here we see a real portico, under which we may walk; here is the palæstra; here are numberless other places of recreation: all these, in some measure, revive in our minds the academies and schools of the Greeks. Or can this be thought an unseasonable time, when we have so much leisure; a circumstance that seldom happens, and now occurs very opportunely? Or can we deem discussions of this kind as foreign to our character, who think that these studies are the very

[a] *Stun our ears.*] Before the times of Lælius, philosophy was in no esteem at Rome. When the Romans begun to study it, a great many Greeks came to Rome, in order to teach it; but being generally empty pedants, and of no reputation in their own country, when they put themselves under the patronage of the great men of Rome, they soon fell into contempt. These are the men our author speaks of here.

[b] *No regard to seasons.*] The reader, no doubt, by this time, begins to have some idea of the character of a great man and a fine gentleman at Rome. Cicero, we may believe, draws his character after life; but more of that in the remaining part of these notes. It is sufficient for me to take notice with what propriety he has marked the character of an impertinent, and how useful the opinion of so great a man as Cicero, in this passage, may be to the conduct of a young gentleman, full of sprightly parts, at his first setting out in life.

very soul of life?[c] I put, replies Crassus, upon these things a quite different construction; for, first, I think the palæstra, the seats, the portico, were intended by the Greeks themselves, Catulus, for diversion and amusement, rather than dispute; because academies were instituted many years before philosophers began to prate in them; and even at this time, when the academies are all occupied by philosophers, yet their scholars like much better to attend[d] the quoit, than their teachers; for, at the sound of the quoit, they leave the lecturer, to go to anoint themselves for the exercise, in the middle of a subject, however important and weighty; thus, by their own confession, they preferred the slightest pleasure to the highest utility. As to leisure, I agree with you, but

[c] *The soul of life.*] In the Latin it is *nullam vitam esse ducamus*; that is to say, as we suppose that we cannot live comfortably and pleasantly without the knowledge of eloquence; for so Crassus, in the remaining part of the chapter, understands the words *nulla vos esse eos, quæ vitam insuavem sine his studiis putaretis.* After the same manner, Plato, in his *de Repub. lib.* 1. where he relates the complaints of the old men, who had lost all the pleasures of youth; *then indeed*, said they, *we lived happily, but now we do not so much as live.* which place of Plato, Cicero has thus imitated *in senectute quod voluptatibus carerent, sine quibus nullam vitam putabnnt.* Pearce.

[d] *The quoit.*] *Lat. discus*, it was probably a large weight, with a handle made of thong, and the young men tried who could throw it farthest. We may observe here, that the academies of the ancients have been all upon one plan, divided into different apartments, for the several exercises: they used to anoint themselves with oil, before they went to any bodily exercise.

but the employment of a leisure hour ought not to puzzle, but to unbend the mind.

CHAP. VI.

I HAVE often heard my father-in-law say, that his father-in-law Lælius generally went into the country with Scipio, where they recovered, in a surprising degree, their youthful vigour, when they had escaped from town, as from a cage, and flown into the country. I would be very cautious of what I say concerning such great men, but Scævola used to tell me, that they frequently gathered shells and perewinkles at Gaeta and Laurentium, and stooped to every mode of relaxation, in order to unbend their minds. The case is much the same with birds, which, to provide for their wants, or to propagate their species, build their nests, and after they had in part accomplished their labour, in order to alleviate the toil, flutter about with freedom and gaiety. In the same manner our spirits, tired with the business of the forum and the city, when freed from anxiety and toil, exult and want to be at large. What I urged therefore in the cause of Curius, against Scævola, quite accorded with my present sentiments. Why, says I, Scævola, if no will is valid but what you draw up, we must all come to you with our parchments, and you must be the sole scribe: if so, continued I, when will you do the public business? When the concerns of your friends? When your own? In short, when will you

you give over doing any business? I proceeded a little farther. The man who is not sometimes free from business, seems to me not to enjoy freedom. I am still, Catulus, of this opinion, and as I am come hither I please myself with the thoughts of enjoying the same freedom from labour. As to your third position, that you thought there can be nothing delightful in life without those studies, this, so far from encouraging, deters me from engaging in them. For as C. Lucilius, a man of learning and refinement, used to say, that he did not wish his writings to be read either by the most learned or the most illiterate part of mankind, because the one understood nothing, the other perhaps too much. For this reason, he said, *I wish not* PERSIUS, *but* LÆLIUS DECIMUS *for my reader*, because we know that the first was a man of the greatest learning in his age and country, and the other a worthy man, and by no means illiterate, but nothing compared to Persius. Thus, if I am to dispute upon our profession, I should not chuse to have clowns, but far less to have you for my hearers. For I should chuse to have my discourse not understood, rather than censured.

CHAP. VII.

CÆSAR answers: For my part, Catulus, I think I have already succeeded in the object of our coming hither, for this very refusal to enter upon any argument has, to my wish, formed of itself

self a very pleasant sort of argument. But why should we hinder Antony, whose turn we hear is to lecture upon eloquence in general, and Cotta, with Sulpicius, have been long wishing him to begin. But, answered Crassus, I will neither suffer Antony to open his mouth, nor will I utter a syllable, till you have first promised——What, replies Catulus? That you will pass the day here, answers the other. This caused Catulus, who had promised otherwise to his brother, to hesitate. I will answer for us both, said Julius, and upon these terms too, that though you do not open your mouth, you shall, I assure you, detain me. My hesitation, interrupts Catulus with a smile, is removed; because I have ordered nothing at home, and the very person at whose house I was to have been, has, without consulting me, very readily promised. Upon this they all turned their eyes towards Antony: [c]Attend, attend, said he, to one who occupies the professor's chair, and who is deeply read in Greek learning. And I speak with the more assurance, because Catulus is my hearer; to whom not only we, who speak in Latin, but those who use the Greek tongue, yield, in purity and elegance of diction. Unless however you bring to this profession, whether it be called by the name of *art*, or *study*, confidence in yourselves, it will prove unavailing. I will teach you, my good scholars, what I myself never learned; I mean, I will give my sentiments upon all kinds

[c] *Attend, attend, said he.*] With what prodigious humour and vivacity does Antony horerally the formality of the Greek professors.

kinds of eloquence. When they had done laughing at this preamble, Eloquence, continued he, to me appears, though a noble attainment, little to deserve the appellation of an *art*. For nothing comes within that denomination, but things that are known. But the whole business of an orator consists not in knowledge, but opinion. For when we are in a court we speak to those who are destitute of clear knowledge, and we speak of things respecting which we ourselves are equally uncertain. They therefore have different sentiments, and form different judgments upon the same things; and we often [f] speak upon opposite sides; not only as when I sometimes speak against

[f] *Speak upon opposite sides.*] I am pleased with having an opportunity here of quoting one of the finest and honestest sentiments of antiquity; I mean the glorious testimony that Quintilian hath left behind him against this practice too often recommended by our author.

"I will suppose, says he, what is repugnant to nature, that "a man with the worst heart may have the finest tongue, yet "will I deny that such a man is an orator; for every fellow "who has a strong arm cannot be called a man of courage, "because courage cannot exist without virtue. And has "not the man who pleads for the interest of another occasion "for an honesty that no passion can corrupt, no interest can "bias, and no fear impair; but shall we bestow the sacred "name of an orator upon a traitor, a runagate, and shuffler?"

Concedamus sanè (quod minime natura patiatur) reperiri esse aliquem malum virum summe disertum: nihilo tamen minus oratorem eum negabo. Nam nec omnibus qui fuerint magis prompti, viri fortis nomen concesserim, quia sine virtute intelligi non potest fortitudo. Au ei qui ad defendendas causas advocatur, non est opus fide, quam nec cupiditas corrumpat, nec gratia avertat, nec metus frangat; sed proditorem, transfugam, prævaricatorem donabimus oratoris illo sacro nomine?

against Crassus, or Crássus against me, when one of us must be in the wrong; but upon a different occasion we shall express ourselves diametrically contrary to what we said before upon the same subject, whereas truth is uniform and unchangeable. I, therefore, proceed to treat of a thing that is supported by falsehood, and which very seldom can be reduced to a demonstration; which always courts the *opinions*, sometimes the *prejudices* of makind: if, after such a declaration, you think you do not pay too dear for your attention, I proceed.

CHAP. VIII.

For my part, adds Catulus, I am very desirous to hear you, and the more so because you seem to set out without any ostentation; for you have commenced with a proposition not more true than dignified. Then, proceeds Antony, while I declare, with respect to the nature of oratory, that it is not in strict propriety to be denominated an art, I maintain, at the same time, that artificial precepts may be laid down for moving the passions and winning the affections of mankind. If any body pleases to call this knowledge an art, I have no objection; for as many plead causes in the forum without a regular plan, and some with greater address from practice and experience, there is no doubt, that if a man shall observe the reason why some succeed better than others in speaking, he may find this out. Whoever, therefore, pursues the same method in every species

species of eloquence, will find it, if not in reality an art, yet to be somewhat that has the resemblance of it. And I wish that it were in my power to delineate in what manner these may be distinguished as vividly, as my fancy now perceives them, in the forum and in pleadings. But I will do my best: What I am now to advance I am fully convinced of, that no character is more eminent than a complete orator, though eloquence of itself be not an art. For not to mention that the exercise of it obtains in every well-regulated state the highest influence, so great of itself is the pleasure derived from the practice of this profession, that nothing can be conceived more agreeable to the ears and understandings of mankind. What music is more charming than the delivery of a regular discourse? What numbers more harmonious than the cadence of a well-turned period? What actor can, by imitating nature, give greater pleasure than an orator does by defending truth? What shews more acuteness than pointed and well-stored sentiments? What is more admirable than a subject illumined by splendour of language? What more gratifying than a speech crowded with materials of every kind? For there is no subject but comes under the province of an orator, I mean those upon which he ought to speak with elegance and propriety.

CHAP. IX.

As to his province, he is in the highest affairs to give his opinion with dignity; and likewise to him

him belongs the duty of rousing a desponding, or checking an outrageous people. By the same profession, the frauds of mankind are detected and punished, and their innocence defended. Who exhorts to virtue with greater ardour? Who is more vehement in reclaiming from vice? Who more severe in lashing the profligate? Who more elegant in recommending the meritorious? Who is more capable of checking the passionate? Who more successful in soothing the sorrowful? But as to history, the recorder of past ages, the evidence of truth, the soul of memory, the directtress of life, the herald of antiquity, by what means can it live to immortality, but by the voice of an orator? For if there be any other method which teaches the arrangement of words; if any one, except an orator, can form a discourse and embellish it with all the varieties of language and sentiments, or if there exist any other means of arguing, of expressing, describing, or arranging, not communicated by this profession, I confess that the oratorical art professes an object which is foreign to itself, or which equally belongs to some other province. But if in reality all this be the peculiar office of eloquence, it is not the less so, because the professors of other arts have been eloquent. Because, as Crassus observed yesterday, an orator can speak extremely well upon other arts, provided he is acquainted with them; in the same manner, as persons of other professions can converse more elegantly upon their own, if they have studied eloquence; for if a farmer should express himself well upon country affairs;

if a physician, as many have done, should write well respecting diseases; if a painter should write or speak with correctness with regard to painting, we are not to conclude from this that eloquence belongs to any of these arts: but such is the force of human genius, that a great many in all professions, and in all arts, are, without the aid of learning, more or less eloquent. And though you may judge of the nature of every art from that which it professes to teach, yet nothing can be more certain than that the exercise of the several arts has no connection with eloquence: an orator cannot even claim the name without it. Thus, if others are eloquent, they receive some assistance from an art which is foreign to their own, but never can he who is ~~not armed with these peculiar~~ powers, borrow eloquence ~~from any~~ other profession.

CHAP. X.

On this Catulus observes, I ought not, Antony, to interrupt your flowing discourse; yet excuse me if I cannot help exclaiming like the man in the Trinummus of Plautus, so happily do you seem to express the powers of an orator, so lavishly do you praise him. Nothing more becomes an eloquent man than to praise eloquence, since, in recommending it, he illustrates the very subject he recommends. But go on, for I agree that to speak elegantly is wholly your province; and if any man speaks well in another art, he but borrows

from this: it is not his own, it is not his property. Then, says Crassus, a single night has polished you into a man; for, as Cæcilius says, yesterday, in describing the character of an orator, you described only a journey-man, a porter, or a clown, equally devoid of refinement and learning. Indeed, replies Antony, yesterday I took in my head, that if I could but confute you, I might be able to entice your scholars from you; but now that Catulus and Cæsar are present, I do not think that my business is so much to contend with you, as to speak my own sentiments upon this subject. As the person, therefore, whom we speak of is to be placed in the forum, and under the eye of his fellow citizens, we are now to enquire what business we are to allot to him, and what are the duties we require him to fulfil. For Crassus yesterday, before you, Catulus, and Cæsar came, briefly laid down the same positions, in regard to the heads into which a subject should be divided, as the Greeks generally do; but indeed he expressed not his own sentiments, but their doctrines; that there are two questions in which eloquence is concerned, the one indefinite, the other determined. He seemed to me to define the indefinite as being any general question; such as, whether *Is eloquence desirable? Are honours to be sought after?* But the determined question is where the subject respects particular persons; alleged facts, such as are examined in the forum, in the causes and dissentions of private citizens. To me, those appear to consist either in pleading at the bar, or debating in an assembly. For as to the

the third species, which was mentioned by Crassus, and which, as I have heard, is added by Aristotle, who threw the greatest light upon this subject, [g](though useful, yet it is hardly necessary.) What! interrupts Crassus, do you mean panegyric? For I think that this is the third species which has been added.

CHAP. XI.

You are in the right, said Antony, and I am sensible it is a species that gave great pleasure both to me and every body present, when you declaimed in praise of [h] your mother Popilia, who, I think, was the first lady that received this honour in our state; but all that we deliver are not capable of being reduced to the rules of art; for you can embellish panegyric by the very principles from which all the rules of eloquence are borrowed; nor can

[g] *Though useful.*] The Latin has it, *etiam si opus sit.* Cicero in other passages takes *opus esse* in this sense. Vid. Ep. ad Fam. l. 1. Ep. 1. *Legem curiatam consuli* OPUS ESSE *necesse non esse;* and Ep. ad Att. L. 4. Ep. 6. *Si loquor de republica quod oportet, insanus; si quod opus est, servus existimor.*

[h] *Your mother Popilia.*] If Popilia was the first of the Roman ladies who was publicly praised, Plutarch, in the life of Camillus, was mistaken, who is said, long before Popilia, to have made a funeral oration in praise of the Roman matrons, because they had brought their ornaments to perform a vow to Apollo; unless perhaps for so long a time none were celebrated after that decree of the senate; which is believed by none. Rhodiginus is of the same opinion with Plutarch.

can you ever be at a loss for those maxims, which, though nobody teaches them, every body knows; I mean the qualities in a man deserving of praise. They are comprehended in those principles which Crassus premised in that oration which, when he was censor, he pronounced against his colleague; *that he could patiently endure to be excelled in those circumstances which are the gift of fortune; but in those attainments that depend upon a man himself, he could not endure a superior.* The orator then who declaims in praise of another is to enumerate all the circumstances that are the gift of fortune; such as birth, money, relations, friends, interest, health, beauty, strength, wit, and other properties, which are either personal or accidental. If the person commended possessed such endowments as these, you are to shew that he made the right use of them; if he did not, that he bore the want like a man of wisdom; if he lost them, that he lost them without the loss of self-possession. You are next to specify all the wise, the generous, the brave, the just, the great, the pious actions which he ever did, together with every instance in which he displayed a grateful or obliging temper. Any man who wants to praise another will easily perceive these, and such like circumstances. He who has occasion to censure, will notice the qualities that are opposite to these. Why, therefore, said Catulus, should you hesitate to admit this third species, because it is founded in the nature of things? If it be more plain, sure it ought not, for that reason, to be excluded. Because, replies

plies the other, I am unwilling that every trifling matter which falls to the province of an orator to discuss, should be circumscribed by specific and peculiar rules. For we must sometimes state matters of praise or blame in evidence, and that too with the greatest precision; as I was obliged to do against [i] Sextus Titius, a seditious, turbulent citizen. In giving this evidence [k] I laid open the whole conduct of my consulate, by which, for the interests of my country, I opposed him when he was tribune of the people; and I exposed all that I thought he did to the prejudice of the state; long was I detained, much did I hear, much did I answer. Are you then of opinion, when you are laying down rules of eloquence, that such precepts should be prescribed as relate to the manner of giving evidence? No sure, says Catulus, that can never be necessary.

CHAP. XII.

But if, as it often happens, the instructions of men in high authority are to be explained in the senate,

[i] *Sextus Titius, a seditious, turbulent citizen.*] It is an unhappy circumstance for the memory of men, when they happen in their life time to be disagreeable to men of great parts, who are the only historians to record their actions. In such a case we cannot expect that they will be transmitted to posterity in those lights that are most favourable to their characters; this Sextus Titius was a very great friend to the Agrarian law, and used sometimes to be impertinent to the senate on that head.

[k] *I laid open the whole conduct of my consulate.*] This is a kind of apology for Cicero's own conduct, who never fails to bring into his orations the mention of his own political character.

senate, either from a general, or to a general, or to a prince, or to a people from the senate, because we must use a more correct style in speaking on occasions of this kind, is it for this reason to be regarded as a species of pleading, or to be furnished with peculiar precepts? No, by no means, replies Catulus; for a good speaker can never be at a loss in circumstances like these, though his talents may have been employed in causes of a different nature. At the same time, the subjects that require eloquent discussion, I mean those things which I allotted to the province of an orator, when a little before I was praising eloquence, are neither classed under a distinct division, nor have they any system of precepts peculiar to themselves; yet they are to be discussed with all the eloquence which their respective merits require; such as reprimanding, advising, comforting; in which nothing occurs that does not demand the highest powers of oratory; but the method of succeeding here is not to be acquired by artificial precepts. I am, says Catulus, directly of your opinion. Then give me leave, to ask you, says Antony, what kind of style, and what talents are required in a historian? To write, replies Catulus, in the manner of the Greeks, would require the highest; but to write as a Roman, there is no need to be eloquent; all that is required is not to relate falsehood. Softly, says Antony, not so bad as that neither; the Greeks themselves at first wrote in the same manner with our Cato, Pictor, and Piso. For history then was nothing but an annual

annual register of important events, exhibited to the public. The high priest wrote down all the transactions of each year, from the foundation of the Roman state to the time of the high priest Publius Mucius; this he fairly engrossed, and set up the record at his own house, that the people might consult it for their information; and these at the time were called the *great annals*. Many imitated this mode of writing, who, without any embellishments, left behind them the naked recital of times, of men, places and actions. Thus our Cato, and Pictor, and Piso, were just such writers as Pherecydes, Hellanicus, Acusilas, with numerous others amongst the Greeks, who were unacquainted with the arts of embellishment, which but lately have been adopted in this country, and who, provided what they wrote was intelligible, thought brevity the principal ornament of historical compositions. Antipater, a man of the first rank, and a friend of Crassus, rose to somewhat higher excellence, and gave a more majestic expression to history; other writers were not embellishers, but relaters of facts.

CHAP. XIII.

WHAT you say, answered Catulus, is true; yet Antipater himself did not adorn his history in distinct and variegated colours; nor did he recommend what he wrote by a happy disposition of periods, nor a smooth, equable style. But as he was neither learned, nor had any great turn for

oratory, he gave it all the finish in his power; yet still, as you say, he was superior to those who went before him. It is no wonder, replies Antony, if history makes no figure in our language; for none of our countrymen studies eloquence with any other view than to shine at the bar; but the most eloquent among the Greeks, who retired from public pleadings, amongst their other renowned studies, applied themselves principally to the writing of history. For though we do not find that [1] Herodotus, the first elegant writer of history, was ever conversant in pleadings; yet so great is his eloquence, that, so far as I am a judge of Greek compositions, he gives me great pleasure. After him, in my opinion, Thucydides is preferable to them all in eloquence of style; who so abounds with important facts, that he has almost as many fine sentiments as happy turns of language; at the same time there is such propriety, such conciseness in his style, that you are at a loss to say, whether the facts are embellished by his diction, or his diction by his sentiments. Yet we do not find, though he filled a public station, that he ever pleaded in their courts; and we are told, that he composed his works when he was removed from the republic; and, which was the fate of almost every great man at Athens, sentenced to banishment. Philistus of Syracuse succeeded him, who living in the

[1] *Herodotus, &c.*] I shall make no other remark upon the character that is here given of the Greek historians, than to observe that they are drawn with so much justice and taste, as to remain undisputed to this day.

the greatest familiarity with Dionysius the tyrant, spent his leisure in writing history; and, in my opinion, proposed Thucydides as the model of his style. Afterwards Theopompus and Ephorus, two men of great genius, bred in what we may call the noblest laboratory of eloquence, by the persuasion of their master Isocrates, applied to history; but they never were occupied in pleading.

CHAP. XIV.

At last the celebrated Xenophon, and Calisthenes, the attendant of Alexander, appeared from the school of philosophy; the first the disciple of Socrates, the other of Aristotle, and both were historians; the last almost in a style peculiarly oratorical. Xenophon indeed assumed a more flowing diction, and as he has not the rapidity of an orator, he may appear perhaps less vehement; but, in my opinion, he is far more delightful. Timæus lived later than these, but, so far as I can judge, he surpassed all his predecessors in learning, in richness of materials, and varieties of language, and was by no means unskilful in the artifices of composition. This historian had great talents as a speaker, but without any practice in business. When Antony had finished; what do you think, Catulus? says Cæsar; who will say now that Antony does not understand Greek? How many of their historians has he named; with what good sense, with what justness has he characterised them! Why, replies Catulus,

Catulus, while I am wondering at that, I can no longer wonder at what gave me much greater surprise before; that a man, who is ignorant of this knowledge, should have such a commanding power of eloquence. Believe me, Catulus, said Antony, that in my leisure hours, when I use to read those, and some other writings, I am not then hunting for improvement in eloquence, but for amusement. What then? I will plainly confess, that, when I walk in the sun, though I may have a different motive for walking, yet it unavoidably happens that I grow ruddy. In the same manner, when I read those books with attention at Misenum, for I have no leisure at Rome, I perceive that my own style receives a glow from their charms. But lest you should think me deeper read than I really am, I assure you, I only understand those Greek writings which the authors wrote with a view to have them generally understood. But if, at any time, drawn in by a specious title-page, professing to treat of known and noted subjects, such as virtue, justice, pleasure, honesty, I happen to dip into your philosophical writings, I do not understand a word of them; so hampered are they with close entangled subtilties. As to the poets, who speak, as it were, in another kind of language, with these I never meddle. I amuse myself, as I have said, with the writers who have transmitted to us their own exploits, or their own orations, and whose style is such as appears intelligible to those who, like me, are not the most learned. But to resume:

CHAP.

Antony

CHAP. XV.

Do you then perceive how far history comes within the province of an orator? I am uncertain whether it ought not, from the flow and variety of diction which is requisite, to be his chief business; yet I do not find that this has ever been distinctly treated of in the treatises of rhetoricians, as being plain and obvious: for, is there a man ignorant that the first rule of history is that an *historian shall not dare to advance a falsehood;* the next, *that there is no truth but what he shall dare to tell?* That the writer should be actuated neither by favour, or by prejudice? These, I say, are fundamental principles universally known; but the superstructure itself consists of facts and language. Matters of facts require a regard to chronology and geography; and likewise, in great and memorable events, we first expect to hear of the motive; secondly, of the execution; and, lastly, of the event. The historian is required to give his own opinion, as to the motives: with regard to the execution, he is to declare what was done and said, and in what manner; and when he comes to treat of the event, all the concurring circumstances, whether proceeding from chance, from wisdom, or from rashness, are to be laid open; and not only the actions, but even the lives, and the personal character of every man, of celebrity and reputation, ought to be recorded. With respect to the language, the words ought to be well chosen, the

diction

diction flowing and easy, free from the asperities of judicial, and the pointed abruptness of forensic disputations. You know that there are no rules laid down in the treatises of rhetoric, with regard to these numerous and important points. In the same profound silence are passed over many other qualities which belong to an orator, such as exhortations, consolations, precepts, admonitions; all which require to be handled with the greatest eloquence, but have no place in those arts that are generally taught. But the two kinds of eloquence assigned to an orator by most authors, and also by Crassus, open to us a vast and boundless field of disquisition. He remarked, that the first kind is where a cause is stated and defined, such as those which come before our courts of justice, or are matters of debate in the senate. He was not against panegyric being added to this kind. The other kind is what almost all writers mention, but none explain, where the subject is not limited by time or persons. When writers treat of this, to me it appears that they neither understand its nature or importance. For if it be the business of an orator to speak with ability upon every abstract subject that shall be proposed, he must speak upon the magnitude of the sun, the form of the earth, nor, after having undertaken this task, can he refuse to treat of the mathematical and musical sciences. In short, a man who makes it his profession to speak, not only in those disputes which are defined by times and persons, as all that come before the forum are, but upon all subjects, which in their own nature

nature are undetermined, will find that there is no subject exempted from his discussion.

CHAP. XVI.

But if we should be disposed to allot to the profession of an orator, those wide and unbounded grounds of disputation, good or evil; what is desirable, and what ought to be avoided; what is honest or disgraceful, profitable or unprofitable; what constitutes valour, justice, continence, prudence, magnanimity, piety, and friendship, honour, duty, and other virtues, together with the opposite vices: if, I say, we think an orator ought to speak on all these, and at the same time on political affairs, on the duties of a commander, on the conduct of war, on civil polity, on human institutions, let us engage in this likewise, but so as to confine ourselves within moderate limits. Indeed, my opinion is, that every thing falls within the profession of an orator, that affects the interests of his countrymen, the manners of mankind, whatever regards the habits of life, the conduct of government, civil society, love of the public, nature, morals. At least, though he is not obliged professedly to discuss, like a philosopher, these subjects, yet he ought to know how to interweave them dextrously while pleading at the bar; he ought to speak of these things as they did who founded laws, institutions, and states, with simplicity, with perspicuity, without long continued disputation, without barren controversies

troversies about words. That you may not here be in the least surprised at my not laying down any precepts upon so many and such important subjects, I thus explain myself: as in other arts, after the most difficult rules in each are laid down, the rest, which are either obvious or similar, are thought unnecessary to be expressed. For instance, in painting, a painter, who has once completely learned to draw the likeness of a man, can paint him of any shape or age, without being taught; and whoever can paint a lion or a bull, can never be at a loss to draw a great number of other creatures; and I am of opinion, there is no art in which rules can be laid down for all its operations; but whoever has entered into the nature of certain leading principles, can never be at a loss to compass the rest. In like manner, I think, that whoever is so far improved, either in the theory or in the practice of eloquence, as to control at will the passions of those who may hear him speak upon matters of government, upon his own private concerns, or on the affairs of his clients; such a person is no more to hesitate with regard to all the other kinds of speaking, than the famous Polycetus, when he was making his Hercules, could be at a loss how to express the lion's hide, or the hydra, though he had never received specific lessons on the subject.

CHAP. XVII.

CATULUS observes, you seem Antony very perspicuously to have laid down what a man who designs

signs to be an orator should learn, and what improvement he can derive, without particular application to every distinct branch, even from those principles which he is master of. For you have reduced him entirely to two kinds of causes. The others, which are too numerous to be classified, you refer to study and analogy. But take care that in these two kinds you include not the hydra and the hide, and leave the Hercules, with other great subjects, among those which you omit. For it appears as difficult to speak upon the general properties of things, as upon particular causes; and much more so to treat of the nature of the gods, than the altercations of mortals. By no means, my friend, replies Antony, and from experience, which carries much greater authority than learning, I will tell you the reason. To speak upon all other subjects is, believe me, a mere sport, to one who is no dunce, who does not want experience, nor ordinary knowledge and good-breeding. In pleadings at the bar there is a very difficult part to act; I know not but that it is by far the most difficult task which the human faculties have to perform. In this task the power of an orator is commonly, by the ill-judging, estimated from the event, and from the success with which his efforts are crowned; in which an armed adversary opposes him, whom he is both to attack and repel; in which very often the person who is to decide the affair either is a stranger or angry with him; perhaps a friend to his antagonist, and a foe to himself; when, at the same time, he is to be informed or undeceived; checked

ed or impelled; and, by all the methods that good sense can suggest, reconciled to the occasion, by all the power of eloquence inclined to the cause, he is to espouse. When kindness is often to be turned into rancour, and rancour into kindness: the orator, as if he were directing an engine, is to employ it sometimes to excite severity, sometimes gentleness, sometimes to damp, and sometimes to delight. He is to make the most of the weight of all his sentiments, and the force of all his expressions; his action ought to be suited to the subject; full of energy, full of life, full of spirit, full of emotion, full of nature. In such a situation, if any one shall so far approach to perfection as, like another Phidias, to produce a finished specimen of his art, believe me, he can never be at any loss to execute the mere drapery of eloquence.

CHAP. XVIII.

The more admirable you have worked up these beauties, says Catulus, the greater is my desire to know, by what precepts this surprising faculty can be attained. I have no interested views in this request, but am actuated by mere curiosity. I beg to know what are the precepts which you prescribe. This proceeds from a most disinterested principle in me, because my age neither requires any such information, and I always followed another method of speaking; for I never extorted, by the force of eloquence, a decision from the judges, but rather received it, after their minds

were affected with all the gentleness of which they were susceptible. Nor have I occasion for any Greek teacher, to chaunt forth vulgar rules, when, at the same time, he never saw a forum, or a court of justice; like what is told of Phormio the Peripatetic, when Hannibal, after being driven from Carthage, came during his exile to Antiochus at Ephesus, and because this Peripatetic was universally celebrated, Hannibal was invited by the townsmen, if he thought fit, to come and hear him; and having expressed no unwillingness, as the story goes, the philosopher spoke for some hours with the utmost fluency upon the duties of a general, and the whole system of military affairs. The rest of the audience, who seemed quite charmed, asked Hannibal what he thought of the orator. The Carthaginian, who did not perhaps speak good Greek, though he spoke good sense, replied, that many old dotards he had seen, but never a greater dotard than Phormio. And indeed he was in the right; for what could betray more pedantry or garrulity, than that a Greek, who had never faced an enemy, never seen a camp, who, in short, had never risen to any office of distinction, should give lectures upon military subjects before Hannibal, who had for so many years disputed the empire of the world with the Romans? All those teachers who lecture upon the art of speaking appear, in my eyes, to do the same, for they teach others what they have never themselves experimentally learnt. They, indeed, are perhaps the more excusable, as they do

not attempt to instruct you, as he did Hannibal, but boys and striplings.

CHAP. XIX.

But indeed, my friend, you are mistaken, replied Antony; since I myself have encountered a great many Phormios in my time. Shew me one of those Greeks, who thinks that any of our countrymen have common sense? Yet I own they do not much disturb me; I can very easily bear their impertinence. For they either advance something that I am not at all displeased with, or so affect me by their manner, that I the less regret my own ignorance: but I dismiss them, though not so rudely as Hannibal did the philosopher of Ephesus: for this reason, perhaps, I am plagued with them the oftener; yet I cannot help saying, that, so far as I can judge, their profession is extremely ridiculous. For they divide the whole of it into two parts; into the controversy that arises upon the cause, and that arising from the question. What they call a cause is the subject of discussion and controversy; and by *question*, they mean a matter of doubt not ascertained. With regard to the cause, they lay down precepts; with regard to the other part, they maintain a surprising silence. They next delineate, as it were, five offices of eloquence; *viz.* inventing what you are to say; the arrangement of what you have invented; the embellishments of style; next, the getting it by heart;

heart; and last of all comes the action and the delivery: surely there is nothing very obscure in this. For does not one naturally see that no one can speak, unless he knows to what purpose, in what words, and in what order, and unless his memory serve him? Not that I find fault with all these distributions; I am only saying that they are self-evident: I mean all these four, five, six, or (as they are divided by different professors) even seven divisions, into which these teachers branch out every speech. For they command us to begin in such a manner, as to render the audience favourable, and well-disposed to hear what we say: in the next place, so to represent the fact, as that the detail may be plausible, conspicuous and concise: in the next place, to divide, or to state the cause, to strengthen our own positions, by probable arguments; and then to confute the reasonings of the adversary. Others inculcate that to each speech should be subjoined a peroration, while others again enjoin us, before we conclude, to make a digression, either for embellishing or enforcing the subject; then to conclude with a summary recapitulation. Even these I do not find fault with, for they are conveniently distributed, though not adapted in the best manner for the purposes of instruction, which is the most essential point to those who want to be instructed in the truth. As to the maxims which they lay down, with regard to exordiums and narratives; these, according to them, are to obtain alike in all speeches. For it is much easier for me to prepossess a judge in

the course of the speech, than before he has yet heard any part of what I am to say. It is more easy to enforce and convince him, when I actually demonstrate and explain the matter, than when I only *promise* him demonstration. But with regard to his being attentive, that is effected, not by my first declaration, but by exciting frequent emotions in the judges in the course of the pleading. It is now that we come to the detail, which, as they rightly recommend, should be plausible, conspicuous, and concise. If they think that this ought to be more peculiar to a narrative, than to any other part of a speech, they labour under a great mistake. And this mistake lies in their thinking that this is a species of artifice, not unlike one of those that Crassus yesterday said might be made out of the civil law, where the principal heads of the subject are first to be laid down. In this, you are reprehensible if any one head is omitted; then the subdivisions of each of these heads; in which, if there be any thing either deficient or superfluous, it merits reprehension. Next the definitions of terms, and here nothing should have place that expresses either too little or too much.

CHAP. XX.

YET, though by this means they can become more learned in the civil law, or even in trifling or indifferent affairs; I am by no means of opinion

nion that they can become so in an affair of such magnitude and extent as eloquence. But if any think otherwise, let them go to those who profess to teach such things; let them there make themselves masters of all that has been said upon this subject in the most explicit, finished manner; for there are a great many books upon these points, neither obscure nor hard to come at. But it behoves them to reflect whether they take up arms to fight or to flourish; for there is a wide difference between a parade and a real engagement; there is a wide difference between what is required in a fencing school and a field of battle. At the same time even the mock practice of arms is useful both to the fencer and the soldier; but success in fighting is obtained by the intrepidity, the presence, the quickness, and the vigilance of the mind, provided these are assisted by the cooperation of art. In forming an orator, therefore, I must first know how far his abilities extend; he must have a smattering of learning; he must have heard a little; he must have read a little; he is not the worse if he has even attended to those precepts. I will try what becomes him best, what lengths he can go with regard to his voice, with his strength, his breath, and his tongue. If I should understand that he is likely to rival the most finished orators, I will not only advise him to persevere, but, if I think him a man of probity, I will entreat his perseverance. So great is the lustre which I think a man, in whom eloquence and virtue unite, reflects on a whole community. But if I think, that, after he has done his

best, he can never rise to mediocrity in eloquence, then I will leave him to himself without giving him trouble; but if he has any difficulty or untowardness in his manner and mind, which no diligence can remove, I will advise him to give over, and turn his views to another profession. For neither the person who can arrive at excellence is by any means to be left without our directions, nor is he who attains mediocrity to be discouraged; the first of which character seems somewhat to resemble the divine nature; the other, in that it neither rises to excellence, nor sinks to contempt, is the lot of humanity. As to the third character, which is that of one who, in spite of reason and propriety, bawls as loud as he can; it is that of a person, who, as you, Catulus, observed of a certain declaimer, used a domestic crier, to summon together as many witnesses as he can of his own folly. Let us, therefore, speak of such a man as merits our encouragement and assistance, and in such a manner, (because we can communicate nothing to him that is better) as may at least teach him what practice has taught us; that by our guidance he may arrive to that point which we have without any guidance reached.

CHAP. XXI.

And, that we may begin with our friend in this company; the first time I heard Sulpicius, was when he was a very young man, and in a very trifling

trifling cause; his voice, his figure, his deportment, and every thing else about him was well fitted for the business now under our examination; but his expression was quick and rapid; this was owing to his genius; his words glowing and a little too luxuriant; this to his age. I did not dislike him. I love luxuriancy in youth; for, as in vines, it is much easier to prune the luxuriant branches than to rear up new ones, from a stock that has little vigour. For this reason I would still have somewhat in youth that might be lopped away. For when maturity comes too soon, the vegetating sap will quickly decay. I instantly saw a genius; I lost no time; I advised him to make the forum his school, and his master —— whom he pleased; if I might be heard, he should choose Crassus. He instantly catched at this; he assured me he would follow my advice; and, out of complaisance, he even added, that I should likewise be his master. A year was scarcely over after this interview, when he impeached C. Norbanus, and I defended him. You cannot believe what a difference there seemed to be betwixt him *then*, and what he was twelve months before. Nature herself had absolutely directed him into the grand and noble manner of Crassus; but he could never have made sufficient advances in it by her assistance alone, had he not, by diligence and imitation, accustomed himself to speak so as to seem to have fixed his heart and soul upon Crassus as his model.

CHAP. XXII.

THE chief precept then in my system of instruction is to point out a right object of imitation, and in such a manner as to make the distinguishing properties of that object our main study. To this I add the practice of imitation, by which one becomes the very person whom he chuses as a pattern, and in the resemblance hits his true character, not in such a manner as I have known many imitators, who have in their imitations copied what was most easy, or those properties that were striking even to a defect. Nothing is more easy than to ape a man in his dress, his way of standing or walking. Even if there be any thing reprehensibly eccentric in a speaker, to copy his eccentricity is no difficult task. Like that Fusius, who, having lost his voice, and now makes such a frantic figure in the state, could never reach the nervous eloquence of Caius Fimbria, but well resembles him in the convulsions of his lips, and the broadness of his pronunciation. But he did not know how to chuse a proper pattern, and he imitated only the defects of that which he had chosen. But the man who would succeed in this, must first be extremely cautious in chusing his model; then, when he is fixed upon that, he ought to apply himself earnestly to study its most distinguished excellencies. What do you think is the reason why every age produces almost peculiar modes of speaking? The reason of this, to acknowledge

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the truth, cannot so easily be ascertained from our orators, who have left but very few writings by which we can form a judgment, as from the Greeks, whose works characterise the manner and style of oratory peculiar to every age. The oldest amongst them, I mean of those whose writings have come to our hands, are Pericles and Alcibiades, with their contemporary Thucydides; these were delicate, pointed, concise, and abounding more with sentiments than with words. It could not be by chance that they were all of the same character, unless all of them had proposed the same pattern. These were succeeded by Critias, Lysias, Theramenes; the writings of Lysias are many; of Critias none remains; we have only heard of the productions of Theramenes. All of them, even in that age, were tinctured with the humour of Pericles, but their style was somewhat more diffusive. Then Isocrates arose, from whose school, as from the Trojan horse, heroes only in eloquence came forth, but of these some chose to distinguish themselves by the pageantry of composition, and others by the din of forensic oratory.

CHAP. XXIII.

THEREFORE the Theopompi, the Ephori, the Philisti, the Naucratæ, and many others, were very unlike one another in genius; but in their manner they resemble both one another and their master: and they who applied to pleading, as Demosthenes, Hyperides, Lycurgus, Æschines, Dinarchus,

Dinarchus, though they were not equal among themselves, yet they all followed the same method of pleading; as long as the imitation of their manner continued, so long did that kind of pleading flourish. When these models disappeared, the remembrance of them insensibly wore out and vanished, and other more soft and loose methods of speaking prevailed. Then Demochares, who was said to be nephew by the sister to Demosthenes, appeared: next the Phalerean Demetrius, who, in my opinion, was the most finished of them all, and others like them succeeded. Were we disposed to trace this detail down to the present age, we should find that at this day all Asia imitates the famous Menecles of Alabanda, and his brother Hierocles, whom I have heard: thus there has been still some model, by which the rest have generally endeavoured to form themselves. Whoever, therefore, is desirous to copy after some original, must have recourse to laborious and frequent practice, especially in writing. Would our friend Sulpicius here follow this advice, his diction would be much more concise and polished. Whereas, now, as country people used to say of grass, the richness of the soil produces a luxuriancy, which ought to have been pruned by habits of composition. You are in the right, said Sulpicius, here, and I am obliged to you for your advice; but indeed, Antony, I do not believe that *you* have written much. Do not I say, answers the other, that I inculcate on others qualities of which I am myself destitute? But I am thought even not

not to keep any regular accounts; yet my method of proceeding in that, you may judge of from the œconomy of my estate; and from the progress I have made in speaking, however inconsiderable it may be, you may judge of my practice in eloquence. But after all, we have seen many propose no model at all; and yet by the force of genius, without imitation, have attained to all they desired: this observation is true with respect to you, Cæsar, and Cotta: the one possesses an elegance and vivacity not common among our orators; and the other has attained a very pointed, delicate manner of speaking. Nor does Curio, who is much of your age, though his father, in my opinion, was one of the most eloquent speakers in his time, seem much to have imitated any model; yet in dignity, beauty, and copiousness of language, he exhibits a manner and style of speaking, an originality deserving of imitation. I came into this way of thinking chiefly in that cause which he pleaded against me before the centumviri, for the brothers the Cossi; where he was defective in nothing that constitutes a copious, and even an experienced speaker.

CHAP. XXIV.

But that we may at last introduce this personage we are forming to the bar, and a bar too of the greatest business, practice, and litigation; let me give it him as a principal rule, that he make himself completely and thoroughly master of the

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of living; in which the point of enquiry does not lie with regard to what has been done, what may be done, what is to be done, what is its quality, or what its denomination.

CHAP. XXV.

But our causes, I mean such as are criminal, are generally defended by denying the fact. As in cases of extortion, which are of the most important nature, almost every article must be denied. In cases of corruption there is seldom such a concession made, as that you are able to distinguish generosity and liberality from bribery and corruption. In cases of murder, witchcraft and embezzlements, you must absolutely stand upon the negative. Therefore the chief object in all judicial proceedings, is the controversy arising from what is past. In deliberative, upon what is to come, seldom upon what is present or past. Sometimes too the point of enquiry is not whether a thing is or is not fact, but of what nature it is. As when, in my hearing, C. Carbo, the consul, defended the cause of L. Opimius before the people, he did not deny one circumstance relating to the death of C. Gracchus; but maintained that it was just, and for the good of the public to put him to death. In like manner P. Africanus, when the same Carbo, tribune of the people, and supporting the republic with different views, interrogated him respecting the death of Gracchus, answered, *That in his opinion he was justly*

justly put to death. Now every thing is defended on the principle of justice, when its nature proves it to be either expedient, or lawful, or necessary; or when it appears to have been done through indiscretion, or by accident. We are now to enquire under what denomination a fact is to be classed. This was the grand point in dispute betwixt Sulpicius and myself in the affair of Norbanus. For though I admitted of most of the articles urged against him, yet I denied that they constituted treason; and upon that one denomination in the Apuleian law the merits of that debate turned. Some likewise in this kind of pleading enjoin, that the term which comprehends the charge should be clearly and briefly defined. But to me this generally appeared childish. For it is quite a different thing, when verbal definitions are laid down by learned men on those subjects that relate to their respective arts; as when it is asked, what is an art? What is law? What is a state? In this we are instructed, by enlightened reason, that the force of the thing which we want to define should be so expressed as that the definition should neither be defective nor superfluous. In the cause I mentioned this was neither done by Sulpicius, nor attempted by me; for with all the abilities, and with all the eloquence in our power, we enlarged upon the acts which constituted treason, because a definition is rendered of no avail by adding to, or by taking from it a single word, and is then of a nature to savour of sophistry and sheer artifice. In the next place, it never thoroughly

thoroughly impresses the understanding and feelings of the judge; for its effects are lost before they are perceived.

CHAP. XXVI.

But as to that kind of pleading in which the dispute turns on the nature of the fact, a doubt often arises as to the meaning of the letter, and this can only happen in words that are ambiguous; for when there is a difference between the letter and the spirit of an act, that very difference begets an ambiguity which can never be explained, but by supplying what is deficient. When this is added, it is pleaded that the meaning of the act was plain; and if any ambiguity arises from contradictory expressions, it is not then a new kind of pleading that is produced, but the difficulties of such a cause as we have just now mentioned are doubled. It is then never to be resolved; or if it be resolved, it must be in such a manner, as that, by supplying the words omitted, the sense of the letter of the act may be rendered complete. Thus it happens, that causes only of one kind in which the difficulty arises from the ambiguity of the letter, can exist, if the letter is any way really ambiguous. But there are many kinds of ambiguities: of which logicians appear to me the best judges: but as to those of our profession, they appear not to know these ambiguities, though they ought to comprehend them as well as the logicians. Upon the whole, the

the most common mistake occurs in speech or in writing, when it is occasioned by an ambiguity arising from the omission of one or more words. Again, they are in the wrong who distinguish betwixt those causes that turn upon the meaning of the letter, and those where the dispute lies respecting the quality of the fact; for the enquiry never respects so much the nature of the fact itself as the letter of an act, which is entirely distinct from the plea upon the fact; therefore those pleadings that can fall within the sphere of an orator's discussion are in kind no more than three; first, that which may be done, that which has been done, and that which is to be done; the next is the specific quality, and the last, the denomination under which it comes. For as to the division which some Greek rhetoricians have added, whether or not an act was lawfully done, this enquiry is entirely comprehended under the specific quality of the fact.

CHAP. XXVII.

But that I may return to what I proposed. Having heard and comprehended the nature of the cause, I begin to enter into its merits; my object then is to find out the principal point, on which I am to lay the stress of that part of my pleading, which immediately regards the question and the trial. In the next place, I attentively consider two things; the first, how I may recommend myself and my client; the next, how I

may best prepossess the audience. Thus the whole business of speaking consists in convincing them of three things; in proving the side we take to be right, in conciliating the audience, and in exciting in them every emotion which the nature of the cause requires. With regard to proof, two things are presented to the orator: first, those points which are not invented by him, but arise from the nature of the subject; such as deeds, evidences, bargains, conventions, trials, laws, acts of the senate, precedents, decrees, opinions, and every such like point which is not furnished by the orator, but suggested to him by the cause and his client: the other point is that which entirely consists in disputation, and the disposition of the orator's pleading. In the first of these divisions he is to consider how to make the best of the arguments that are ready to his hand; but here he is both to manage his arguments and to invent them. Here likewise the teachers, after they have divided the cause into a great many heads, supply each of these heads with stores of arguments. This is more fitted to furnish young students with ready-formed arguments as soon as a cause is stated; yet it betrays a slowness of parts to creep after the stream, and not ascend to the fountain head; while men of my age and practice want to derive it from the fountain head, and discern the source from whence every rivulet flows. And in the first place, the nature of those proofs that are furnished to an orator ought to be thoroughly digested, for our future practice, upon all like occasions. For we either use to plead distinctly

tinctly upon a general question, when we speak for or against deeds, for or against evidences, for or against trials, and other affairs of the same nature; or we plead determinately upon particular junctures, persons, and motives: all these are points (I now address myself, Sulpicius, to you and Cotta) we ought to have in readiness, and digested with the most mature reflection. For it would now take me up too much time to point out what method is most proper for confirming or invalidating the strength of evidences, deeds, or depositions. All these require little capacity, but great practice: it is true they require so much of the art and rules of eloquence, as that they may come recommended by certain ornaments of speech. At the same time those properties which are of a different nature, and are the pure effect of the orator's art, are not very difficult to invent, but require to be laid down with perspicuity and elegance. These then are the two points chiefly to be regarded by us in pleading: first, WHAT, secondly, HOW we are to speak. The first, which appears, as it were, to inspire the whole force of eloquence, does indeed require art, but a very moderate share of address to manage it. It is in the other that the divine power and energy of an orator is to be perceived; I mean the delivery of his sentiments in a language graceful, fluent, and commanding.

CHAP. XXVIII.

As you thought me qualified, I shall not decline, though perhaps in a manner not quite so polite or finished, to speak of the former of these points; I mean by what artifices a speech is marked with these three qualities of credibility, which consist in conciliating, informing, and moving the audience; and how well I succeed, you yourselves shall judge: *These are indeed three in number*, but in what manner they are to be illustrated, there is one in company who can instruct us all; the man who first introduced it to practice, to whom alone it owes its highest improvement, and noblest effects. For I think, Catulus, (and what I speak can never be taken for flattery) that there has been no orator of eminence, either Greek or Roman, in our days, whom I have not frequently heard with great attention. If therefore I can produce any effect, as I have some reason to believe I can, from the attention given me by men of your understanding, it proceeds from my fixing thoroughly in my mind every circumstance that was advanced by those orators. And here, without presuming to say any thing of myself, or how far I am a judge, after hearing all these speakers, I hesitate not to declare it as my decided opinion, that not one amongst them all ever possessed the powers of eloquence in so great a variety, or to so great a degree, as Crassus does. With your concurrence, therefore, I think it no unfair portion of the burden, if I nurse

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and educate the orator, whom we have feigned, and then deliver him to Crassus to be clothed and decorated. Do you rather, Antony, says Crassus, go on as you proposed; for it looks neither natural nor creditable in a father not to clothe and adorn the child which himself has begotten and educated; especially as you cannot deny that you are wealthy. For what gracefulness, what strength, what spirit, what dignity, can be wanting in that orator, who, at the conclusion of his speech, boldly produced a consular, who was upon his trial, loosened his garments, and shewed to the judges the scars that marked the body of the aged general? An orator, who, while Sulpicius here was the impeacher, when he defended a seditious and furious Roman, was at no loss how to make sedition itself look lovely, and to prove, in the most plausible language, that the people had often been seditious upon justifiable grounds, and that no man can answer for them? And that many seditions had happened for the good of the commonwealth; as when the kings were driven out, and the tribunicial power appointed. That this sedition of Norbanus, which arose from the concern of the people, and their hatred of Cæpio, who had lost an army, could neither be suppressed or deemed illegal. Could a topic so tender, so unprecedented, so slippery, and so new as this, be handled without an address and powers of eloquence almost incredible? What shall I say of the pity you raised for Cn. Manlius? What of that in behalf of Quintus Rex? What of numerous other in-

stances? wherein you did not distinguish yourself by that inimitable quickness universally allowed to belong to you, but by those properties which you now delegate to me, and in which you were ever eminent and unrivalled.

CHAP. XXIX.

For my part, says Catulus, there is one thing that used greatly to surprise me with regard to you two, which is, that though you differ from one another in your manner of speaking, yet both of you speak so as if nothing were wanting in you that can be possessed from nature, or acquired by learning. For this reason, Crassus, you shall neither deprive us of your enchanting manner, in explaining every thing that may have been overlooked by Antony; nor, Antony, if you have overlooked any thing, shall we attribute it to your want of abilities, but to your desire of hearing it explained by Crassus. Then, says Crassus, do you Antony omit such points as are unnecessary to inform the present company respecting them; I mean from what grounds the materials to be stated in a cause are to be derived. For though you can speak on those in a new and striking light, yet in their own nature they are easy, and the rules laid down with regard to them are common; but display to us those qualities that you so often exert, and with powers always divine. With all my heart, replied Antony, and to induce you the more easily to comply with

with my requests, I will refuse none of yours. My whole eloquence, and that character which Crassus just now so highly extolled, consists of three rules, as I have already observed; the first, with regard to conciliating, the second to informing, and the last to moving the judges. The first requires gentleness, the second pointedness, and the last energy. For it is necessary that the judge, while we have a cause pending, should either be disposed by his own bias, or urged by the strength of our reasoning, or by the emotions of compassion, to favour us. But since that part which comprehends the representation and defence of the facts themselves seems to contain, as you may call it, the learning of this kind, let us first say a few words upon that head. For the observations I have made from practice, and imprinted upon my memory, are but few.

CHAP. XXX.

And here, L. Crassus, I readily agree with your wise advice, that we should omit all the pleadings upon those special causes which masters use to prescribe to their scholars. Let us however disclose those sources from which all argumentation is drawn, and adapted to every speech and every cause. For as when we have occasion to write a word we are not at a loss to find out how many letters that word is composed of; so when we plead in a cause, we have no occasion to ruminate upon the distinct arguments that are to sup-

port it; for certain common-place ideas immediately suggest themselves in the same manner as letters do in spelling a word. But these obvious maxims are useful only to an orator who knows business either by experience, which is the consequence of age, or from hearing and reflecting, which by means of study and application supplies the place of experience. For bring me the most learned man alive; to learning let him join a strong and a penetrating head; and to that, a readiness of expression; yet, if he is a stranger to the practice of the state, the precedents, the maxims, the manners and inclinations of his countrymen, those common-place topics that furnish arguments will very little avail him. I have need of a genius that, like a piece of ground, ploughed, fallowed, and harrowed, to make the crop the better and larger, has received a similar cultivation: and the cultivation of genius consists in practice, hearing, reading, and writing. And in the first place, let an orator discern the nature of the cause, which is always self-evident; let him enquire if there are any facts, of what quality they are, and under what denomination they come? When he is quite master of this, his own good sense, without the guidance of these teachers, will suggest immediately where the stress of the cause lies; I mean, the point which if cleared up must end the dispute; and then, what is the point to be decided, which those teachers instruct us we are to find out in this manner? Opimius has slain Gracchus. Where does the stress of this cause lie? Why,

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in that he did it to serve his country, as he called the people to arms by an order of the senate; without this there is no ground of dispute. But Decius will tell you, that even that was unjustifiable if it was a proceeding repugnant to the laws of his country. Why then the dispute will turn upon this; whether the overt-act could be defended, when committed by virtue of a decree from the senate, in order to save the state? These consequences are all plain and obvious to common sense; but we may still be at a loss for the arguments that ought to be advanced both by the accuser, and the person accused, upon that point which is decisive in the affair.

CHAP. XXXI.

And here we may perceive the capital mistake of those teachers to whom we send our children, not that it immediately relates to speaking, but that you may see the true character of those men who think themselves learned. For in dividing the methods of speaking they lay down two kinds of causes; the one, in which, according to them, the proposition is general, without relation to particular persons and times; the other is confined to certain persons and times; and this, without knowing that all disputes depend on the strength and nature of your reasoning upon the general proposition. In the cause I have just now mentioned, the identity of the persons of Opimius and Decius are quite out of the

the question with an orator. For the proposition is indefinite, and of a general nature; whether a man is to be punished for killing a citizen by an order of the senate for the preservation of the state, though the overt-act is not warranted by the laws? In short, there is no cause in which the point to be tried involves the persons of those concerned alone; and not an universal proposition. But in those very causes in which the fact is litigated, such as the question, *Whether Decius took money unlawfully*, the arguments both of the accuser and the accused must depend on reasonings of a general nature. Whatever is urged against the spendthrift respecting his luxury; against the covetous concerning his avarice; against the seditious about their disaffection and disloyalty; and against many respecting the subordination of witnesses; with all that can be advanced in favour of those who are accused of these several crimes, must all necessarily turn upon general reasonings and universal propositions, and not be confined to particular times and persons. In the eyes of a man who does not so quickly comprehend the properties of things, the points which come under consideration, upon the trial of a fact, may appear too complicated; but we are to consider that there is a much greater variety of persons, than there are of defences, or general topics.

CHAP.

CHAP. XXXII.

As to the disputes upon the nature of a fact, after the commission is admitted; if you are to form your ideas from the persons accused, the dispute must be endless and obscure; if upon the case, it will be short and perspicuous. For if we suppose, in the case of Mancinus, that the main consideration turns upon that individual, you will have a new pleading every time that a man who is delivered up by the presiding herald is not received by the enemy. But if the merits of the cause turn upon this general proposition, *Whether a person in the circumstances of Mancinus has, or has not, a right to the privilege of the state*, the orator then, neither in speaking nor reasoning, is to have any regard to the individual concerned. Farther, if any personal considerations, either of merit or demerit, shall enter into a cause, though they are indeed foreign to the enquiry, yet the whole pleading upon them must necessarily be drawn from propositions that are universal in their nature. I do not maintain this with any view of reflecting upon men of learning; yet surely, whoever, in discoursing upon a general topic, shall circumscribe their pleadings to persons and times, are deserving of censure. For admitting these considerations of persons and times, yet a man ought still to be sensible that causes are not tried upon these, but upon the merits of a general proposition. But I have nothing to do with this, for we ought to have

have no difference with such persons: It is enough if we understand, that, with all the leisure they possess, they have never yet been able to distinguish the nature of causes, or explain them with tolerable accuracy. But, as I said before, I have nothing to do with this. The other point regards me, and much more, my friend Cotta, you, and Sulpicius. In the manner that their rules are now laid down, the multitude of causes is really formidable, for they are infinite, if the merits of each rests on particular persons; then so many persons, so many causes. But if they are reduced to general propositions, these are so moderate and few, that all industrious, attentive, and reflecting orators must needs digest them in their minds, and retain them in their memories. Unless you may be of opinion that L. Crassus studied the cause of M. Curius, entirely with a view to personal considerations, and from these considerations educed a great many agruments, why, though no child was born to the testator, yet that Curius ought to be the heir of Coponius. The name of Coponius or Curius did not affect the competence of the proof, or the force and nature of the cause. All the question lay in the general proposition, upon the fact and the circumstances, and not upon the time or names: since the words of the will were, IF A SON SHALL BE BORN TO ME, AND HE SHALL DIE BEFORE HE IS OF AGE, &c. THEN LET SUCH A MAN BE MY HEIR: if a son was not born, then the question lay, whether the per-

son who was appointed heir upon the demise of the son, could claim the inheritance.

CHAP. XXXIII.

A QUESTION built upon unchangeable equity and of a general nature requires for support not the names of persons, but skill in speaking, and clearness of proof. In this our lawyers likewise impede us, and deter us from learning. For I perceive in the writings of Cato and Brutus, that generally the names of men and women, who consulted them upon any point of law, are mentioned, with a view, I suppose, to make us believe that some matter of deliberation and doubt arose, not from the state of the case, but from personal considerations. That, as individuals are innumerable, we should, from this circumstance, lose, with the hopes, all inclination to learn the law. But Crassus will some time or other make this easy to us, and digest it under its several heads. For you must know, Catulus, he yesterday promised, that he would reduce into certain heads, and easily bring into a system, the civil law, which is now so unconnected and dissipated. Why really, says Catulus, this is no difficult matter for Crassus to effect, who has learned as much law as is possible to be learned, and who has supplied even the defects of his teachers; so that he can describe with accuracy, or illustrate with elegance, every point of the civil law. Let Crassus, therefore, teach us these points,

points, says Antony, when he is retired from the bustle of the forum, and is master of himself, and what he thinks his retirement. Though I have, says Catulus, often heard Crassus declare, that he was determined to retire altogether from the business of the forum; but, as I used to say to him, he will never indulge himself in this; because he will never suffer the worthy of his own country to implore his assistance in vain; nor indeed will his country admit of it with patience; for that time which shall deprive her of the eloquence of Crassus, will take away her chief ornament. Indeed, replies Antony, if what Catulus says be true, you and I, Crassus, must even tug at the same oar, and abandon that dull lethargic wisdom to those who enjoy leisure, the Scævolæ, and other happy mortals. Proceed Antony, said Crassus with a gentle smile, in what you have begun; yet, that wisdom which you pronounce lethargic will restore me to freedom, as soon as I shall fly to it for protection.

CHAP. XXXIV.

Antony continued: Well then, said he, we have concluded the point which I set out with, since we agree that all matters of debate turn not upon individual persons, which are innumerable, nor on times, which are indefinite, but on the circumstances and nature of the case; all which are not only definite, but even few; and farther they who want to speak should comprehend

hend the subject upon which they are to speak, whatever it may be in kind, with all its different descriptions, instructions, and ornaments; so far, I mean, as it relates to facts and sentiments. The force of these will beget expression, and expression too, which, in my opinion, is sufficiently elegant, if it seems naturally to arise from the subject. And if truth is your sole aim, as I think it ought to be, for I never indulge in the liberty of affirming any thing but what I really think to be true, we ought to carry along with us into the forum this general knowledge, as we would a necessary instrument, of causes and generic propositions; nor ought we to poke into common-place topics for arguments in every cause that is laid before us; for every man who considers them with but a moderate share of study and practice, can make the best of them. And yet his thoughts ought always to turn upon those general and those common topics, which I have often mentioned, and from which he can derive every thing that is to be said in any pleading. This, call it art, observation, or practice, consists in the knowledge of those grounds, within which you are to trace your game. After you have secured in your mind the whole of this field, provided you know how to take advantage of circumstances, nothing will escape you, and every thing that is material to the question will of course or incidentally fall in your way.

CHAP.

CHAP. XXXV.

And thus three things are requisite to invention in speaking: acuteness, method, which we may call art, and, lastly, application. I cannot but ascribe the first place to genius; though indeed the natural faculties, when feeble, are invigorated by application. Diligence has great influence in all cases, but in pleading the greatest; it is to be the principal object of our care and assiduity, and with its assistance there is nothing but we may surmount. It is by application, as, I said at first, we can make ourselves masters of a cause; it is by this that we give such attention to our antagonist, as to lay hold, not only of his sentiments, but even of his words. In short, it is owing to application that we can profit even by his very look, which is generally the index of the mind. But good sense must direct us to be so cautious, as to afford no advantage by this to the adversary. Next, it is owing to application, that our mind can dart into those fields which I shall soon open, so as to enter thoroughly into the merits of the cause, and thus to have in readiness that care and attention which are necessary to its support. But to apply memory, utterance, and strength, as it were, to illuminate all these matters, is the great object of diligence. There is indeed some small distance, in which we may place art, between memory and application. Art only points out the ground to be investigated, the place where the end you are in quest of lies:

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all the rest consists in care, attention, reflection, vigilance, assiduity, and industry. All these may be comprised in the term which I have often mentioned, and that is application: it is in this single virtue that all the other virtues consist; for we perceive that philosophers are at no loss for copiousness of expression; yet I think (but you, Catulus, will speak better to that) they lay down no rules for speaking, though at the same time they decline not, for this reason, to speak with fulness and copiousness upon every subject that is proposed.

CHAP. XXXVI.

It is true, replies Catulus, as you, Antony, observe, philosophers commonly lay down no rules for speaking, and yet they are never at a loss to speak upon every subject that is proposed: but Aristotle, who is my favourite, has laid down certain common topics, in which may be found the matter which belongs to every question, not only in oratorical, but philosophical disquisitions. Your discourse for some time, Antony, did not at all disagree with that philosopher; whether from sympathy you have trod in the steps of that divine genius, or whether, as is most probable, your observation is the result of what you have read and learned in his writings; for I perceive that you have applied more to the Greek learning than we imagine. I will tell you the truth, Catulus, answered the other: I always thought that an orator would be more agreeable,

and more plausible to our countrymen, who, in speaking, displays the fewest vestiges of art and of Greek learning. At the same time I thought it more became an irrational than a human being, to be inattentive to the Greeks, when they undertake, profess, and handle such weighty matters, and not only so, but pretend to give mankind a rule for discerning the most obscure subjects, for living morally, and speaking copiously; and if one does not hear them publicly, for fear of derogating from his character among his countrymen, he should at least secretly catch up some of their words, and, without seeming to notice, retain what they say. This, Catulus, has been my method, and by this means I have some notion of their pleadings, and those general topics which they have discussed.

CHAP. XXXVII.

Indeed, says Catulus, you have steered, with regard to philosophy, with great caution, and yet split upon it as upon a fatal rock which you wished to avoid. This state, however, has never despised philosophy. For at the time when only a colony from the great nation of Greece flourished in this country, Italy was full of Pythagoreans; from whom came Numa Pompilius, our king, who is said to be a Pythagorean; yet he lived a great many years before Pythagoras. For this reason, we are to look upon him as a still greater man, since he possessed the knowledge

of civil polity almost two ages before the Greeks perceived that such a knowledge existed. And surely this state never produced men more celebrated, more dignified, or more learned, than were P. Africanus, C. Lælius, and L. Furius, who were ever attended, and that in public, by the most learned man they could get from Greece. And I have often heard them say, that the Athenians performed a service very agreeable both to them, and to a great many leading men of this city, when they sent in an embassy upon their most important concerns, the three most eminent philosophers of that age, Carneades, Critolaus, and Diogenes: that when these were at Rome, their lectures were daily frequented by themselves and others. After the authority of those great men, I am surprised, Antony, that, like the Zethus of Pacuvius, you should almost declare war upon philosophy. By no means, replied Antony; I rather resolved to philosophize a little like Neoptolemus in Ennius, for I do not love to be a finished philosopher. But my opinion is this, and I thought I fully explained it: provided these studies are cultivated with moderation, I do not disapprove of them: but I think it prejudicial to an orator that a judge should consider him as a philosopher, and thus suspect him of being versed in the arts of sophistry. For this takes away both from his authority as an orator, and his credit as a reasoner.

CHAP. XXXVIII.

BUT, to return from whence we digressed, do not you perceive that of these three very famous philosophers, who, you say, came to Rome, Diogenes professed to teach the art of reasoning; of separating truth from falsehood; which the Greeks call logic? In this art, if it be an art, we have not one rule how to find out the truth; the whole object of it is how to judge of it. For it happens that in every proposition we lay down, whether it be of the affirmative or negative kind, if simply laid down, these logicians undertake to judge whether it is true or false; and whether it is expressed in a complex form, with other things annexed; they pronounce whether it is rightly connected, and whether the aggregate of all the reasonings is true: at length they so entangle themselves in their own quirks and subtilities, that they meet with difficulties which they are not only unable to solve, but even perplex those points which they had before unravelled. Here, therefore, that celebrated stoic is of no service to us, insomuch as he lays down no rules how to invent what I am to say: nay, he even embarrasses me, by throwing difficulties in my way, which he declares to be indissoluble: and all this in a style by no means perspicuous, diffusive, and flowing; but meagre, barren, stiff and rugged; so that if he proves any thing, it must still be allowed that his manner is far from being agreeable to that of an orator. Our object is to engage

gage the attention of the multitude, to soothe or to rouse their passions, and to gain their assent to what must not be weighed in the golden balance of truth, but in the scales of popular opinion. Let us therefore take our leave of this whole system, which, with respect to invention, is too mute; to decision too loquacious. I am of opinion that Critolaus, whom you mention to have come along with Diogenes, could have been of much more service to our profession. For he followed Aristotle, from whose precepts you perceive I do not much differ. I have read his book, where he treats of the methods of speaking which were used by his predecessors, and likewise those works, where he lays down something of his own upon this head: and, to me, there appears this difference between Aristotle and his brother professors of this art: he, by the same acuteness with which he comprehended the power and quality of every object of nature, discovered the properties of eloquence, which, at the same time, had but a second place in his esteem; but the others, who are wholly engrossed with this study, dwell upon the single province of logic, and dispute not with the good sense of Aristotle, though with greater diligence and practice upon this single point. But as to the wonderful energy, and the variety of language, with which Carneades speaks, it is this we ought to aim at; for in his disputations he never defended what he did not prove, nor ever attacked what he did not overthrow. This however is somewhat more than is to be expected from those professed teachers.

CHAP. XXXIX.

But, were I to train up one who is quite uninformed to eloquence, I would rather consign him to these drudges, who night and day hammer on the same anvil, in the same labour; and who feed their scholars, as nurses do infants, with the most delicate food. But if he be liberally educated, if he have any experience, if he seem to be tolerably acute, then will I hurry him, not where a feeble stream stagnates, but where a flood of eloquence breaks forth; where he may view the seats, and, as it were, the mansions of arguments, where they are illustrated in a few words, and defined by proper expressions. For what difficulty can there be to a man who is sensible that every topic in discourse, that serves either to prove or to refute, is derived from its own power and nature, or borrowed from some exterior circumstance? The former consists in the universal, or partial enquiry into the nature of a thing; its term, or any quality that comes nearest to the case. As to exterior circumstances, they are adventitious, and not inherent in the nature of the case. If the question is general, its force is to be explained by a general definition, in this manner: "If majesty consist in the grandeur and dignity of a state, then he attains it who delivers up a Roman army to the enemy, and not the person who delivers such a traitor to the power of the people of Rome." If the question is partial, it is to be done by partition

tion in this manner: "The senate is either to be obeyed in matters that concern the welfare of the state, or some other authority is to be instituted, or one must follow what his own reason suggests: an authority foreign to that of the senate would be *presumptuous;* one's own determination would be *arrogant*. The authority of the senate was therefore to be followed." If the question lies in the term, as in the case of Carbo, it is stated in this manner: "If he be a *consul* who *consults* the good of his country, what else has Opimius done?" But as to questions that turn upon qualities which come nearest to the case, there are more seats and common-places from whence proofs may be drawn. We then enquire into arguments drawn from accidental properties, general heads, and their subdivisions, similarities, and dissimilarities, contrarieties, consequences, analogies, precedents, and inconsistencies. We trace causes and their effects, and enquire into arguments drawn from the properties that are either greater, equal, or less.

CHAP. XL.

As to arguments drawn from accidental properties, they are thus formed: "If the greatest honour be due to piety, then you ought to be affected, when you behold the pious sorrow of Q. Metellus." From the kind; "If the magistracy ought to be subordinate to the people of Rome, why do you accuse Norbanus, whose tri-

buneship was always subservient to the pleasure of the state? As to partial arguments, which are sub-divisions of general heads; if all who consult the good of our country ought to be dear to us, a general ought surely to be the dearest, since it is by his counsels, courage, and dangers, that we retain the safety of our persons, and the dignity of our empire." From similarity thus; "If even wild beasts love their young, what affection ought we to cherish for our offspring?" From dissimilarity thus; "If barbarians have no thought beyond to day, it should be our wisdom to provide for futurity." And both in similarity and dissimilarity, examples are to be brought from the actions, the sayings and the accidents of others; and very often you are to state fictitious cases. Now as to contrarieties; "If Gracchus acted unnaturally, Opimius acted nobly." From consequences; "If a man were slain, and you his foe taken upon the spot with a bloody sword in your hand; if no person were seen there besides yourself capable of injuring him, while you were always remarkable for audacity, how can we doubt of your committing the murder?" From circumstances that are agreeing, antecedent, and repugnant, let us borrow the words of Crassus, when a young man. "Carbo, though you defended Opimius, these, notwithstanding, will not esteem you as a good citizen: it is plain that you have dissembled, and that you had something else in view, because in assemblies of the people you often deplored the death of Tiberius Gracchus; because you were an accomplice

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in the death of Publius Africanus; because in your tribuneship you enacted that law; because you always dissented from patriots." As to arguments drawn from motives, they proceed in this manner: "If you wish to destroy avarice, you must destroy luxury, which is the parent of it." As to effects arising from causes; "If we employ the wealth of the treasury for supporting us in war, and adorning us in peace; let us do every thing then to improve our revenue." As to greater, to lesser, and parallel circumstances, we introduce them thus. "If a good name be better than riches, and if riches be so desirable, how much more is glory to be coveted? An argument taken from the lesser is this; [m] "*If after so short an acquaintance he lamented her death so bitterly, how would he have done if he had loved her? how will he bewail me who am his father?*" From equal cases thus; "It is the part of the man who plunders his country to corrupt it with its spoils." As to arguments taken from exterior circumstances, these are borrowed, not from the strength of a cause itself, but from extraneous objects: as for instance; "This proposition is true, for Q. Lutatius advanced it; the other is false, for it was extorted by the rack." This is a necessary consequence; for I read over the deeds; as to every thing else in general I have spoke to it before. These I have exemplified with all the brevity of which they are susceptible.

CHAP.

[m] This example is borrowed from the Andria of Terence.

CHAP. XLI.

For, as if I were to point out a mass of gold that is burried in several places, it would be enough, if I should describe by signs the places where it lay; for then the person, to whom I thus described it, might find and dig it up with ease and certainty: thus, having possessed myself of these characteristic arguments, which point out what I was in search of, I obtain the rest by care and invention. But as to the nature of those arguments, that are best adapted to these several kinds of causes, it does not require consummate art to prescribe them, and but a middling degree of genius to judge of them. For my business is not now to explain the art of eloquence, but to lay before men of the greatest learning, certain hints suggested by my own practice. When these topics are understood and imprinted upon the mind, and disposed so as to serve upon all occasions, nothing then can escape an orator, not only in his debates in the forum, but in every species of speaking. But if he should attain to such perfection, as really to appear the very character which he personates; and if he can so move the judges, as to lead them with, or without their inclination to whatever sentiments he pleases; believe me, he then wants nothing that can contribute towards forming a finished orator. Let us now proceed to shew, that it is not sufficient to invent what you have to say, unless you also know how to make a proper use of what you have

have invented. Variety is necessary in this, both to conceal your art from the hearer, and to prevent his being cloyed with repetitions. It is proper, sometimes, to lay down what you advance, by way of proposition, and to shew the reason why it is so: and sometimes to draw a conclusion from the same topics: sometimes to leave it to be formed by the hearer, and to pass to something else: sometimes to make no proposition at all, but to leave the reason of the thing to point out what should be proposed. If you rest your argument upon a parity of reasoning, you are first to prove the parity; you are then to make an application to the point in question: you are generally to conceal the pith of your arguments, to prevent their being numbered, and though distinguished in reality, to blend them in words.

CHAP. XLII.

To you, who are learned, I cursorily notice these things, that I may come to matters of greater consequence. For there is nothing, Catulus, of greater importance to an orator, than to prepossess the hearers in his favour, so that the emotion he himself feels may proceed from certain impulse or agitation of mind, rather than from the dictate of sober judgment. For men often judge under the influence of hatred, love, desire, anger, grief, joy, hope, fear, mistake, or some emotion of the mind, rather than of truth, precept, law, or equity. With your approbation therefore, I proceed to these

these points. Says Catulus, something seems to be still wanting, Antony, which regards the subject you have already explained, and which you ought to clear up before you proceed to what you proposed. What is that? replies Antony. It relates, answers Catulus, to that order in which you generally arranged your proofs; for in this particular you always seemed something beyond human. You shall judge, Catulus, replies the other, how much beyond human I am in this respect: upon my word, had I not been put in mind, I should not have once thought of it. By this you may judge that all the success I have in speaking is owing either to practice or chance. Yet that very point, which, as being unacquainted with it, I passed by as one would a man he never knew, is as important in eloquence as any other circumstance. But give me leave to say, that you seem to anticipate the time when I am to lay down the method of disposing a subject: for had I placed all the power of an orator in proofs, and the evidence that arises from the nature of the cause, it would be now proper to speak of the manner in which proofs should be arranged; but as I have as yet spoken only on one of the three points proposed, I must discuss the other two before I speak of the disposition of speech.

CHAP. XLIII.

HONOURABLE actions, and upright lives, in the pleader and his client, greatly contribute to a successful

successful termination of his cause, while a contrary character in the adverse party tends effectually to their defeat. The same effect is likewise produced by conciliating as much as we can the minds of the judges. A favourable opinion again is gained by dignity of character, by the actions which a person has performed, by his reputation, which are much more easily set forth if they are real than if they are fictitious. But an orator is much aided also by these, softness of voice, countenance, bashfulness, graceful elocution, and an apparent reluctance, if you are obliged to run into invectives. It is of the greatest utility to display marks of ease, generosity, affability, piety, gratitude, moderation, and disinterestedness; all the qualities of worth, meekness, gentleness, complaisance, placability, peaceableness, are extremely prepossessing, both in favour of the speaker and the person for whose interests he pleads; and they bias the mind against those who do not possess them in proportion as they favour the opposite party. But all this manner of speaking has the greatest effect in those causes, where it is difficult to inflame the judge with violent emotions. For vehemence of speech is not always proper, but there is often required a style that is gentle, mild, submissive; which is of the greatest service to the accused party. By this expression I mean not only the accused, but all who have an interest at stake; for this was the sense in which our forefathers used the term. It has therefore a wonderful effect in a speech to express their manners as just, upright, religious, diffident,

diffident, and patient under injuries; and this, either in the beginning, in the narrative, or in the peroration, has such influence, if agreeably and feelingly handled, that it is often of more force than the merits of the cause itself. But by a feeling manner of speaking, the speech becomes, as it were, the picture of the speaker's character. For certain sentiments and expression, joined to a gentle, easy action, make us appear men of probity, of worth and virtue.

CHAP. XLIV.

But very different from this is that method of speaking, which affects the minds of the judges in another manner, and impels them to hate, to love, to spite, to favour, to fear, to hope, to desire, to abhorrence, to joy, to sorrow, to pity, to resentment, or leads them to those emotions, if any such exist, which are congenial with these. An orator too is to wish that the judges should bring along with them a disposition of mind, which is most suited to favour the cause he pleads. For it is observed, it is much easier to give speed to the man who runs, than activity to him who is drooping. But if this be either impossible, or very difficult, to be effected, then I act like the careful physician, who, before he prescribes a remedy to his patient, informs himself, not only of the nature of the disease he wants to cure, but of his habit and constitution when he was in health. For when I enter upon a doubtful cause, by which

which it is difficult to move the judges, I employ all my care, attention and reflection, to observe in the best manner I can their thoughts, their apprehensions, their expectations and desires, and whither they may be led with the greatest ease. If they yield, and, as I said before, if their bias naturally favours the impression we make upon them; I make use of the advantage given, and spread my sails before the wind. But if the judge is unbiassed, and composed, it is a more difficult task, for then every passion is to be worked up by the dint of eloquence, without any assistance from nature. But eloquence, which an excellent poet rightly terms the *mistress of the soul, and queen of the universe*, has such a power, as not only to raise the stooping, or to bend the erect, but like a skilful and brave commander, to lead even reluctance and opposition into captivity.

CHAP. XLV.

These are the things which Crassus, a little time ago, so earnestly desired to hear from me, when he said, in jest I suppose, that I used to handle them with divine skill; and commended some other things in the cause of Manius Aquilius, and Caius Norbanus, as conducted with great address. Yet, by heavens! Crassus, when you employed the same qualities in your pleading, I used to shudder: so great was the spirit, the force, the passion expressed in your eyes, your features, and your air; nay, there was meaning

ing in the motion of your hands. So powerful was the torrent of weighty, well-chosen words, so pure your sentiments, so just, so new, so destitute of false unmanly ornaments, that to me you seemed not only to fire the judge, but to be yourself in flames. Nor is it possible that a hearer should ever be impressed with sorrow, with hatred, with detestation, with dread; nor to move him to tears or pity, unless the speaker appears affected with the passions which he wishes to awaken in the judge. But if an orator affect some passion, and if every thing he advance in his speech is false and counterfeit, then indeed a greater degree of art is necessary. Now, Crassus, I do not know how it is with you and other people; but, for my own part, I know of no cause that could induce me to dissemble before men of the greatest good sense, and my best friends. I never, indeed, attempted to awaken in the judges the feelings of pity, detestation, or hatred, if I did not at the same time feel within my own breast the emotion I wanted to excite in theirs. For it is no easy matter to point the anger of a judge against a person, if you seem to be cool and dispassionate yourself: it is no easy matter to make him hate the man you wish he should hate, unless he first sees you burning with resentment: you never will be able to bring him to pity, without proofs from your words, sentiments, voice, look, and tears, that you feel yourself the compassion which you recommend. For as no substance is so combustible as to kindle without fire; so no mind is so susceptible of the power of eloquence,

eloquence, as to catch its blaze, unless the speaker, when he approaches it, is himself in flames.

CHAP. XLVI.

But lest it may be thought surprising and incredible, that a man should experience such frequent vicissitudes of passion, that he should indulge such opposite emotions, especially in matters in which he has no personal concern, we are to consider that the sentiments and topics, which you employ in pleading, are so impressive, that there is no occasion to have recourse to fiction and falsehood. For a *pathetic* address is in its very nature more likely to make a deeper impression upon the orator himself, than upon any of his hearers. And that we may not be surprised at this happening in causes, in the forum, in the city, when our friends are in danger, when multitudes are assembled; we cannot but reflect that not only our reputation is at stake, (and though that is but trifling, yet still it has some influence, as we profess to have attained what is attainable only by few) but you have a much more important concern depending; I mean your honour, your duty, and your fidelity in discharging it. These are such motives, that even while we defend a mere stranger, if we have any regard to our own credit, we cannot consider him but as a friend. But, that this may not appear surprising to you, what can be more remote from reality than poetry, a play, or a fable? Yet I have seen the eyes of a

player sparkle through his assumed character, when he repeated these lines; *Durst you part with him? Without him, durst you enter these walls? Did you not dread the frown of a father?* He never pronounced the word FROWN, but I thought I saw old Telamon frantic with grief at the loss of his son. Again, when assuming a more compassionate tone, he uttered the words, *You have torn in pieces, you have robbed, you have murdered your father in the loss of a son who was the prop of his declining age; nor did you regard the death of a brother, or his helpless infant, of whom you were the appointed guardian.* These he pronounced all in tears and sorrow. If this player, notwithstanding his daily practice, could not represent this speech well without real emotion; what! can you imagine that Pacuvius was cool and composed when he wrote it? By no means; for I have oftentimes heard, and they say it is confirmed by the writings of Plato and Democritus, that no good poet ever lived without lively imagination and enthusiastic feelings.

CHAP. XLVII.

THEREFORE, do not imagine that I, whose business is not to imitate while pleading the romantic exploits, or the imaginary disasters of ancient heroes, who did not personate, but was the real author of the character I appeared in; when I was to save Manius Aquilius from banishment, while

while I touched upon the pathetic part, did not feel all the passion I expressed. When I saw the man whom I remembered to have been consul, to have been a general distinguished by the senate, to have mounted the steps of the capitol in triumph, depressed, dejected, sorrowful, in imminent danger; is it to be imagined that I attempted to awaken sentiments of pity in the breasts of others, before I felt them in my own? Yes, I perceived that it greatly affected the judges, when I appealed to the sorrow and dejection of the old man; and when I did, what you, Crassus, have commended; when, not from affectation, to which I am a stranger, but from the irresistible impulse of grief and concern, I tore open his vest to shew his scars. When C. Marius, sitting at the same time upon the bench, by his tears greatly heightened the affecting scene I had delineated: when, by frequently calling on him, I recommended his colleague to his protection, and requested his intercession for defending the fortunes of all generals. The compassion I raised was not, on my part, without a flood of tears, nor without a load of anguish; and the appeal that in every expression I made to gods, to men, to citizens and friends, would not only have been ineffectual in raising compassion, had I not been deeply affected myself, but must have appeared ridiculous in my pleading. Therefore mark me, Sulpicius, like a good and learned master as I am, I teach you how, while you are speaking, you may be angry, how you may grieve, how you may weep. But why should I teach this

to you, who, when you accused my companion and quæstor, raised a flame, not only by your eloquence, but by the power, and the glow of your feelings, which burned so fierce, that I scarcely ventured to approach to extinguish it. For in that cause you had every thing that could render you triumphant; you had there a field to expatiate, in the course of the trial, upon the violence, the flight, the stoning, and the cruelty of the tribunes, and on the lamentable fate of Cæpio; then it was evident that Marcus Æmilius, a leading man in this city and the senate, had been struck with a stone, and that Lucius Cotta and T. Didius, when they wanted to put their negative, were driven violently out of the temple.

CHAP. XLVIII.

Besides, your being a young man added the greatest dignity to the complaints you poured forth in behalf of you country; while I, who had been a censor, was puzzled in what manner, consistent with my own character, I could enter upon the defence of a seditious citizen, so unrelenting at the misfortune of a consular person. The most worthy of our citizens sat upon the bench; the forum was full of excellent men; so that I had but slender grounds of excuse; though I was to speak for one who had been my quæstor. Shall I say that I here had recourse to any art? I will inform you of my conduct, and you may give it what appellation you please. I illustrated

illustrated the nature, recounted the mischiefs, and pointed out the dangers of sedition: I traced its effects down through every stage of the republic, and concluded, by observing, that though popular commotions had always been injurious, yet that sometimes they were warranted by justice, almost by necessity. Then I advanced what Crassus just now mentioned; that neither kings could have been driven out of the state, nor tribunes of the people created, nor the consular power so often impaired by acts of the commons, nor could the people of Rome have obtained the right of appeal, that protector of the state, that guardian of her liberty, had it not been for their struggles with the nobility. That if insurrections had been of service to the community, any tumult which might have happened ought not instantly to be charged on Caius Norbanus as an heinous crime, and a capital misdemeanor. I urged, if it were once admitted that the people of Rome might be lawfully alarmed, which I proved to have been often the case, they never had better reason than at that time. Then I gave my whole pleading a new turn; I pointed it against the flight of Cæpio, I bewailed the loss of the army. By this means I awakened the sorrows of those who had lost their relations, and renewed the resentment of the Roman knights, who were judges in that cause, against Cæpio, who was before disagreeable to them, on account of certain judiciary proceedings.

CHAP. XLIX.

As soon as I perceived I had obtained an interest with the judges, and made them feel the force of my defence; that I had conciliated the favour of the people, whose rights were linked with the sedition I was then defending; and had directed the whole resentment of the judges, as arising either from the misery of the state, or from their grief for the loss of their relations, or their personal hatred of Cæpio, to favour my cause, I then began to mingle with this vehement, ardent style, the other manner which I have already mentioned; [n] I mean the gentle and endearing. I told them that I hazarded almost all my reputation and fortune in defence of my companion, a relation which your ancestors looked upon as that of a son; that nothing could so much disgrace, nothing could so much grieve me, as that I, who had been often thought of service to the greatest strangers, among my countrymen, should not now be able to assist a dear companion; I entreated the judges to yield this to my age, to the honours I had discharged, to the actions I had performed, if they saw me affected with a just and affectionate sorrow; especially if in all my other causes they had perceived I had asked no favours for myself, but in behalf of my friends,

[n] *I mean the gentle.*] The reader may see in the first volume of the orations translated into English, how well and how exactly Cicero has followed the rules here laid down in his defence of Milo.

friends. Thus, in all my defence of this cause, I very slightly touched upon any point that required art, such as speaking upon the Apulejan law, and explaining the nature of treason. But my whole address consisted in two parts, the first, in moving the passions, the other, in recommending myself; for the perfection of both which parts we are very little obliged to the rules of art. It was by these means, that my invectives prevailed in renewing the popular aversion for Cæpio, and I myself appeared all gentleness and tenderness, when I came to touch upon the nature of my private friendships. Thus, rather by moving the passions than convincing the understanding of the judges, Sulpicius, I baffled your impeachment.

CHAP. L.

You are in the right Antony, says Sulpicius, to mention this; for I never knew * any thing slip

* *Any thing slip out of my hands.*] The Latin has *quod tam è manibus elaberetur.* There is a sneer here of Sulpicius that has never been attended to. Antony had just been telling in what manner he had acted his part when he brought off Norbanus, and it is plain, that though the rules and examples he lays down in the relation are extremely just, yet he treats the whole as a solemn farce; he concludes by saying Sulpicius was baffled, *magis affectis animis iudicum quam victis.* Sulpicius in this passage keeps up the humour, and says that that cause had *slipt out of his hands.* This alludes to the farces, or mimi, where a fellow was brought upon the stage, and by different feats of activity, of the same nature with those of our *harle-*

slip out of my hands in the manner that cause did at that time; for, as you have mentioned, when I had left you not to answer arguments but to extinguish flames, immortal gods! how did you begin? With what bashfulness, with what diffidence, with what hesitation, and with what an artful disposition! After you had gained the first point, and the only one that could induce the audience to excuse you, as you were pleading for a dear friend, and one who had been your [p] quæstor; what a road did you then pave to secure attention in the progress of your speech? But all of a sudden, while I imagined you only obtained the indulgence of the audience, by reason of your connection with him, in defending a profligate citizen, you, insensibly to others, though much to my alarm, began secretly to insinuate that Norbanus had not been seditious, but that the insurrection

quin, escaped out of the hands of the rest of the actors, who, pursuing him, left the stage clear, and thus the farce ended. For a more particular account of this see the note upon the oration for Cæcilius, in my translation, vol. 2. p. 162. line 23.

[p] *Quæstor.*] The dignity of prætor excelled that of quæstor, and is here compared to that of a father. Cicero, in his oration for Cæcilius, (see the first volume of the translation of the orations, p. 121.) explains this passage. "It is a doctrine transmitted to us from our ancestors, that the prætor is in place of a parent to his quæstors; that no relation can be more binding, more interesting, than a conjunction in office, than the common discharge of a public duty, at the same time, and in the same province. Therefore, though consistent with law you could prosecute him, yet you cannot consistent with piety, because of your filial ties. But, while he never did you wrong, if you impeach your prætor, then must you acknowledge that your enmity is, on your part, unjust and detestable."

rection had happened through the justifiable, and merited resentment of the Roman people. Then what attacks you made on Cæpio; how you filled all the assembly with a mixture of hatred, resentment, and compassion! in this, not only in the body of your pleading, but with regard to [1] Scaurus, and the rest of my witnesses, whose evidence you did not set aside by your reasoning, but by appealing to the passions of the people. Provided you but mention those things, for my part, I require no other instruction. For I think I am sufficiently instructed in hearing yourself exemplify the manner of your pleading. Nay but, replies Antony, if you please, I will likewise instruct you in the rules I used to follow, and had principally in view in my pleading. For the long time I have lived in the world, and the practice I have had in affairs of consequence, may well by this time make me master in what manner to touch the springs of passion in mankind.

CHAP.

[1] *Scaurus.*] He was the grandson of Aurelius Scaurus, who being taken prisoner by Bolus king of the Cimbrians, after the defeat of the Roman army, as he maintained to that prince, that the Romans were invincible on the other side of the Alps, and that he would experience it if he passed them: Bolus losing patience, run upon him with his sword, and killed him. Strebæus.

CHAP. LI.

AND for my own part, I used to consider whether the nature of the cause required this manner. Because the flames of eloquence are not to be kindled on trifling occasions; nor when the audience are so disposed, as not to admit the influence of passion. For a man is thought ridiculous when he applies the *pathetic* to trifles; and he is odious when he attempts to *pluck up* what it is impossible to *move*. Now the passions which we have genetally to awaken in the minds of the judges, or of an audience, are [r] love, hatred, anger, envy, compassion, hope, joy, fear, and [s] uneasiness. We perceive that love is conciliated by seeming to plead for what is advantageous to the audience: Or if we exert ourselves for men of worth, or such as at least seem to them to be men of worth and utility. By the first we conciliate their love; by defending virtue, their endearment; and the prospect of a future advantage is always more affecting than the mention of a past service. You are to labour to prove, that either their dignity or utility is connected with

[r] *Love.*] Cicero, as I have observed before, has nobly exemplified all these in his oration for Milo. See vol. i. of the translation into English, P. 53. with what art he courts the love of Pompey for Milo.

[s] *Uneasiness.*] The oration for Milo seems to have been the original from which our author draws all the excellent precepts and observations he lays down with regard to eloquence.

with the cause you defend; and you must intimate that the person for whom you labour to procure all this love, never made any private advantage of his own by it, nor had any selfish views in what he did. For motives of interest beget hatred; but labouring for the service of others, favour. But we must here take care when we are upon this topic, not to extol too much the merit and the glory of those whom you want to recommend by such services; for nothing is so liable to envy as these. At the same time, from these very topics we may learn how to direct resentment against others, and avert it from ourselves and our friends; and the same method is to be followed either in awakening, or allaying anger. For if you exaggerate a fact, which must be pernicious or disadvantageous to your hearers, then, that begets resentment. But if this is to affect worthy men, or those who have not deserved it, or the public, it then generates, if not such keen resentment, yet a disgust that is not at all unlike that of hatred or envy. Fear too is inculcated either from *personal*, or *common* danger. *Personal* danger affects us most, but the *common* must be represented as having consequences connected with ourselves.

CHAP. LII.

The same method must be held with regard to hope, joy, or uneasiness: but I know not whether the emotions of envy are not far more keen than

them all; and whether it requires most power to suppress or to awaken it. The chief objects of envy amongst men are such of our equals or inferiors, who raising themselves above our rank in the world, give us the mortification of seeing them soar above us. We likewise very often envy our superiors, especially if they are insolently boastful, and, by the figure and fortune they enjoy in the world, transgress the bounds of common decency. In such a case, when we want to inflame, we ought chiefly to insist that these advantages are not acquired by virtue; and then that they were acquired by the vices and crimes of their possessors; but if they are of too weighty and serious a nature to be treated of in this manner, you are then to insist that no merit, be it ever so great, can compensate for such insolence and such pride. But when you want to allay envy, you are to say that such honours were acquired by much toil and many dangers; and that they have not been applied to the possessor's private advantage, but to that of others; and that if he seemed to have acquired any glory, yet so moderate he was in the possession of it, that though he had justly earned it by his dangers, it was so far from giving him pleasure, that he undervalued, and laid it aside. And we must by all means endeavour to keep down the idea of his greatness, and to temper the superiority of his fortune with reflections upon the toils and hardships to which he had been exposed; the reason of this is because the world is apt to envy; it is the reigning, the standing vice, and feeds upon exalted and flourishing

flourishing fortune. Compassion is moved, if the hearer can be brought to apply to himself the afflicting circumstances that are deplored in the case of another; whether they are already past or dreaded; or, by looking upon another, frequently to turn his eye into his own breast. Thus, as every circumstance of human nature is affecting, when pathetically represented; virtue, when dejected and prostrated, is more so; and, (as I have often mentioned) the gentle, mild manner of speaking, by recommending probity, ought as it were to give the picture of a virtuous man; so this style, when an orator undertakes to change the affections, and mould them to all his purposes, ought to be intense and vehement.

CHAP. LIII.

But in these two kinds there is so strong a resemblance, that it is hard to distinguish when we ought to apply the gentle, and when the vehement. For some portion of that gentleness, by which we conciliate the favour of the hearers, ought to mingle with that energy, with which we wish to rouse them; and even gentleness must sometimes be employed in inflaming certain passions of the mind: nor can any speech be more happily tempered, than that in which the asperity of dispute is seasoned by politeness; and where, on the other side, gentleness is guarded by a certain gravity and stedfastness in our purpose. In both these kinds, I mean that which requires

requires force and disputation, and that which is adapted to moral life, though in setting out, the speaker ought to be slow, yet in ending he ought to be quick and diffusive. For he must not pass abruptly into that manner, it being quite foreign to the merits of the cause, and people wanting in the first place to know what they are actually to judge of; but when he is got into that track, he ought not to leave it hastily; for you cannot upon the first impression raise compassion, envy, or resentment, in the same manner as when a proof is laid down it is immediately taken in. For a proof is strengthened by the conviction it carries, which seizes you as soon as expressed. But this kind of pleading requires in a judge not so much clearness of comprehension as sensibility of heart, and no man can ever succeed in it, but by diffusive, varied, and copious eloquence; and after a proportionable vehemence in the dispute. Therefore, they who speak concisely and coolly, may indeed instruct, but they never can move a judge, which is every thing. It is now clear, that in all disputes, the weapons that serve for opposite modes of speaking are derived from the same source. But the force of a proof must be invalidated, either by censuring those circumstances which are brought to support it, or by shewing that the conclusion insisted upon does not arise from, nor is consequential to, the premises. Or if you cannot confute it by these means, you must oppose to it evidence equally or still more weighty. But those parts of pleading which consist of lenity in conciliating,

ing, or vehemence in moving, are to be introduced from opposite passions, that kindness may succeed resentment; and envy, pity.

CHAP. LIV.

BUT wit and humour are often agreeable, and highly serviceable. And though every thing else were communicable by art, yet these are attainable only by nature, without any assistance from art: in this, Cæsar, you, in my opinion, are far superior to all others, and you will therefore either allow, that art can never make a man witty, or if it can, you are the best master to instruct us in it. By your leave, replies Cæsar, I think a man who is no fool may talk more *wittily* upon any subject than that of *wit*. For when I saw some *Greek jest books* I had small hopes of learning a little from them: and indeed I found a great deal of wit and humour among the Greeks: for the Sicilians, the Rhodians, the Byzantines; but above all, the Athenians, excel in this respect. But they who have attempted to lay down artificial rules how to attain it, have betrayed such stupidity, that they afford you nothing to laugh at but their dulness. I am therefore

' *But they who have attempted*, &c.] The strength of this argument is; if the Greeks, who are very witty, and the inventors of all arts, make themselves ridiculous and foolish in describing wit, it appears that it cannot by any means be taught, unless one better qualified than they undertake it. thus he lessons the Greeks, that he may commend himself and his own countrymen. Strebæus.

fore of opinion that this talent cannot by any means be communicated. For as there are two kinds of wit, one that runs equally through the whole of a discourse, the other pointed and short, the first was termed by our forefathers *raillery*, and the other *repartee*, both of them are *trifling*, for one needs but *trifle* to raise a laugh. And yet, Antony, as you observe, I have very often seen *humour* and *wit* produce a prodigious effect in causes. But as art is not required in continued *humour*, which is the first kind I have mentioned, far less can it enter into *repartees*, which forms the second, and which must without premeditation produce its effect. For mimics and men of humour are made by nature; it is she that moulds their features, modulates their voice, and forms their very expression to second their looks. Was it owing to art that my brother, here, when *Philip* asked him, *why he barked?* answered *because I see a thief*. How did Crassus express himself in every part of his speech before the Centumviri against Scævola; or in defence of Cneius Planeus against Brutus, who impeached him? For, Antony, that which you attribute to me is universally allowed to Crassus, and he is perhaps the only man in the world that is master of both these kinds of *wit*; I mean that which runs through the whole of a discourse, and that which consists in quickness and smartness. For his whole defence of Curius against Scævola was a continued flow of pleasantry and humour; but without any play upon words. Because, by paying a regard to the *dignity* of his antagonist he preserved his

own;

own; and it is very difficult for men of wit and quick parts to pay any regard to times or characters; by restraining themselves when they are disposed to be sarcastic. For this reason some wits put a construction sufficiently humorous upon the following passage of *Ennius: it is easier for a wise man to keep a burning coal within his teeth, than a good saying.* Now, according to them, *good sayings* are *witty ones:* and, at present, they are commonly understood in that sense.

CHAP. LV.

But as Crassus proceeded against Scævola without reflection, he thereby turned the whole cause and disputation into ridicule. Thus when he spoke against Brutus, whom he hated, and whom he thought it a duty to expose, he fought with both weapons. How much did he play upon the baths he had then lately sold, and the patrimony he had squandered? And when Brutus said, *that he sweated without any reason,* how quick was his repartee? *How can it be otherwise,* said he, *for you have just got off a bath?* He had many other such turns; but his continued humour was equally agreeable: for when Brutus called up two readers, and gave one of them an oration of Crassus upon the [u] Narbonese colony to read; and

[u] *Narbonese colony.*] In the province of Narbon a Roman colony was settled, the inhabitants being expelled by war; see

and the other, that respecting the Servilian law, and when he had compared the political contradictions their several chapters contained, our friend here [x] very humorously gave the three treatises written by his father Brutus, to three different readers. In the first book was this passage, *I happened to be at my Privertine estate. Brutus,* said he, *your father here is an evidence that he left you an estate at Privernum.* In the second book, *I and my son Marcus were at my Alban estate. What a wonderful sagacity did this good man discover,* said Crassus; *he knew what a cormorant his son was, and was afraid that if he did not mention the estates he left him, it should be thought he inherited nothing.* In the third book, which is the last he wrote, for I have heard Scævola say that these are all the genuine works of Brutus, we have these words: *I and my son Marcus happened to be sitting together at my Tibertine estate. Where, Brutus,* said he, *are those estates which your father, in the writings he published, says he left you?* [y] *Ah! had you not been of age, he would have written a fourth book, and have told the world that he had washed in*

the oration *pro Fonteio.* When a law was made against that colony, Crassus opposed it, and run out in invectives against the senate because they did not join him.

[x] *Very humorously.*] I do not know if the reader of taste will be very much in love with this piece of humour of Crassus.

[y] *Ah! had you not been of age.*] The Latin has it, *nisi puberem te jam haberet.* The age of *puberty* among the Romans was the fourteenth.

in his baths along with his son. Must it not then be confessed that Brutus was as much confounded by this wit and raillery, as he was by the pathetic expressions he poured forth, when by chance the funeral of the aged Julia past along? Immortal gods! what force, what energy was there: how quick, how sudden its impulse? *Brutus*, cried he, *what commission have you to deliver to your father, by this aged matron?* [a] *What message do you send to all those persons, whose figures you now perceive are carrying along? What to your ancestors? What to Lucius Brutus, who delivered Rome from regal tyranny? What shall she report that you are doing? What object, what accomplishment, what virtue are you now pursuing? Are you improving your estate? that is not a business for a man of quality. But granting it were, you have*

[a] *What message*, &c.] Our author seems extremely fond of this figure; he has beautifully adapted it in his pleading for Cælius: see the translation of the orations, vol. 2. p. 134. Our author perhaps borrowed it originally from Demosthenes, and Virgil has used it in some places with great success. See Æneidis lib. 2.

Cui Pyrrhus: referes ergo, hæc, et nuntius ibis,
Pelidæ genitori: illi mea tristia facta,
Degeneremque Neoptolemum narrare memento.

Thou then be first, replies the chief, to go
With these sad tidings to his ghost below;
Be gone—acquaint him with my crimes in Troy,
And tell my sire of his degenerate boy. PITT's Trans.

have none to improve; you have dissipated it by intemperance. Are you busied in the civil law? that too was your father's; but she will tell, that you have sold his house, and have not reserved even [a] *a spot where to erect your father's chair. Shall she say that you are applying to military affairs? why you never saw a camp. To eloquence? To that you are a total stranger. Those faculties of speech, and every talent of voice or tongue you possess, you have prostituted to the base purposes of calumny. Dare you behold the light? Dare you look upon these statutes? Dare you face the forum, the city, or the assembly of your countrymen? Do you not tremble at the sight of that corpse, at the memory of your ancestors, whose virtues you are so far from imitating, that you have not reserved even a spot for erecting their images?*

CHAP. LVI.

THIS language, as if inspired, breathes magnificence and terror; but as to gentle, polished facetiousness, you may remember numerous specimens of it in one harangue which was delivered before the people in as great an assembly, and important a trial, as ever existed, yet no speech was ever more happily seasoned with wit and agreeable

[a] *A spot.*] The original has it *rutis cæsisque*, which is a technical term in the civil law.

In rutis cæsis ea sunt quæ terra non tenentur quæque operi structili tectove non continentur. Dig. T. de Verb. sig. 241.

able humour. I mean our friend's late reprimand against his colleague, when censor. Therefore, Antony, I agree to both your propositions; that gentle wit is often of great service in pleading, and that it is absolutely incommunicable by any art. One thing, it is true, I am astonished at, that you have so highly extolled me in this respect, and have not given the preference in this, as well as in other points, to Crassus. Why that I would have done, says Antony, were it not that I somewhat envy that gentleman. For though wit and raillery in themselves are not much to be envied, yet for a man, as he does, to engross the merit of being the most elegant and polished of his age, when at the same time he has that of being the gravest and the severest person alive, seems to me quite intolerable. Crassus himself could not forbear to smile at this. But Julius, replies Antony, though you deny that wit is an art; yet, in the opening you made, you seemed to hint at some rules that ought to be observed with regard to it. For you said that some respect ought to be had to persons, circumstances, junctures, lest a joke should lose the effect you designed it should have, which is the particular care of Crassus. But we may leave this rule, since these gentlemen have no occasion for it. Our business is now to enquire in what manner to apply wit, when there is occasion: for instance, against an antagonist, especially if he gives us any advantage to attack his folly; against an evidence, whom we may represent as foolish,

avaricious, slight, provided the audience is likely to hear us with any degree of satisfaction. Witty answers have a much better effect than attacks, because the wit of a reply discovers more quickness of parts; and, as it is by way of retort, it carries along with it more good breeding. For it is still to be presumed, if one is not attacked, that he would have been quiet; as in the harangue I have mentioned, our friend here scarce said one witty thing, but by way of answer: yet such was the gravity, such the authority of Domitius, that it appeared more easy to avoid his objections by turns of humour, than to invalidate them by strength of argument.

CHAP. LVII.

How then, remarks Sulpicius, shall we permit Cæsar, who, (though he has yielded the prize of wit to Crassus, yet has laboured much more in that study) not to explain to us the whole nature of wit; what it is, and from whence derived; especially since we all agree that the power and utility of wit and polite conversation are so very great? But, answers Cæsar, what if I should agree with Antony, that an orator can never be witty by rule? Sulpicius making no reply to this; no more, says Crassus, can he be instructed by rule in those points which Antony so much enlarged upon. They are attained, as he himself

himself said, by observing those properties which have the greatest effect in speaking; and, could this make a man eloquent, who would be otherwise? For every man might with ease, or at least by some method or other, make himself master of such observations. But I am of opinion that the force and utility of those precepts lie in this; not that art can direct us how to invent what we are to say, but that when we have attained to such properties, by nature, study, or practice, we may then be able with judgment to distinguish the good from the bad, after we have learned how to apply them. Therefore, Cæsar, I must beg it as a favour, that you will discuss this system of humour, and give us your opinion upon it, lest any part of eloquence, since you will have it so, should be omitted in such a company, and in so accurate a conversation as this. Nay, Crassus, replies the other, since you insist upon your guests paying their reckoning, I never will be the man, who shall give you any pretence for refusing your due by withholding mine. Though I have very often been surprised at the impudence of those fellows who act upon the stage while *Roscius* is a spectator. Where is the man who can so much as move, without his discerning a fault in him? In like manner, in the hearing of Crassus, I have now begun to speak upon wit; and though, as the saying is, I am but a boar in comparison of him, I am to teach an orator, who lately, in the hearing of Catulus, said that all other speakers seemed to have fed upon straw. Says

Crassus, Catulus was but jesting, especially as his own eloquence is such as deserves to be fed with ambrosia. But, Cæsar, do you go on, that Antony may proceed to finish the rest of his discourse. There is very little of that to come, says Antony; but as I am now fatigued with the toil and journey of disputation, I will rest and refresh myself with the conversation of Cæsar, as if I were in some happily-situated inn.

CHAP. LVIII.

But, says Cæsar, you will have no reason to boast of the goodness of my entertainment; for as soon as you have tasted of the least morsel, I will turn you out of doors, and send you forward on your journey; and not to detain you too long, I will in a very few words lay before you my opinion of this kind of speaking. In regard to ridicule, we are to consider five things; first, what it is? secondly, whence it is? thirdly, whether it ought to be the orator's interest to excite ridicule? fourthly, to what degree? fifthly, what are the sorts of *ridicule*? As to the first, what ridicule is? By what means it is raised, wherein it consists, in what manner it bursts out, and that so suddenly too, that, however desirous, we are unable to stifle it, and in what manner it instantaneously affects our sides, our mouths, our veins, our countenances, and our eyes. These

These particulars let [b] Democritus explain; for they are neither to my present purpose, and though they were, yet I should not at all be ashamed to say, that I did not know them; for even they who pretend to account for them know nothing of the matter. But to the place, and, as it were, to the province of *ridicule*, for that comes next in question, belongs *meanness* and *deformity*. For the only, at least, the chief, expressions that raise ridicule are such as [c] characterise and point out with elegance, somewhat that is itself inelegant. But, to come to the third point, it is evidently an orator's interest to raise laughter, both because the good humour into which he puts the audience procures him favour; and the smartness that is often contained in one word is universally admired, (especially if it comes in reply, and often when it is thrown out in the attack;) and because it lessens, confounds, perplexes, frightens, and confutes the opponent; and as it shews the orator himself to be a man of politeness, learning, and good breeding; but above all, because it mitigates sorrow and severity; and allegations of base actions, which cannot be refuted by proofs, are often rendered

[b] *Democritus.*] There is a joke in this expression, for it alludes either to Democritus the famous laughing philosopher, or an eminent physician then living.

[c] *Characterise and point out.*] This is the same expression which he uses in the first oration against Catiline. *Catilina notat & designat oculis ad cædem unumquemque vestrum.* See the Orations translated, vol. 2. p. 4.

rendered ineffectual by laughing at them. But to what degree *ridicule* is to be excited by an orator, which was the fourth thing we proposed to examine, is a matter worthy his most serious attention. For neither a villain, eminently flagitious, nor a wretch remarkably harassed with misfortunes, is a proper subject of ridicule; because *villains* deserve to be chastised with a severer scourge than laughter; and it is indecent to insult the *miserable*, unless they are insolent under their misfortunes. But above all things, you ought to be tender of touching upon the private affections of mankind, lest you should rashly attack those who are personally beloved.

CHAP. LIX.

MODERATION, therefore, is chiefly to be observed in the indulgence of wit. And the objects that are most easily played upon, are they who are neither worthy of the greatest detestation, nor the greatest compassion. Hence it happens, that the whole subject of the ridiculous lies in the moral vices of men who are neither beloved nor miserable, nor deserving to be dragged to punishment for their crimes: when these qualities are delicately handled, they are laughed at. Deformity and personal defects are likewise commodious subjects for ridicule. But let us have in view, what ought to be the principal consideration in other respects; I mean, how far we ought to go.

Here

Here we ought to guard not only against insipid attempts at wit, but also against its degenerating into buffoonery. An orator is to avoid both extremes, not to make his jests abusive, nor scurrilous; what these mean, we shall more easily understand, when I come to speak of the different kinds of *ridicule*. For there are two kinds of humour; one arising from the subject, the other from the expression. The first is when any thing is told by way of story, as what you, Crassus, once told against Memmius, [d] *that he had eat a limb of Largius,*

[d] *That he had eat a limb.*] This to an English reader is a very insipid joke: the Latin has it, *comedisse eum lacertum largii.* The joke probably arose by some affair of jealousy, on account of this Memmius making a little too free with the other's mistress, which gave occasion for Crassus to say that he had eat the arm of Largius. It must be owned that Cicero has not at all been obliged to his commentators for illustrating his witty sayings, though it is very true that sometimes they cannot be deciphered. I do not know if this joke will appear with better grace by observing what none of the commentators have done, that when a man very eagerly kissed any part, he was said in Latin to bite, or to eat it. And if we are to judge by some circumstances, they were so very eager, as sometimes to make the blood follow by a hearty kiss. See what Horace says, ode 13. lib. 1.

Sive puer furens
Impressit memorem dente labris notam.
Non, si me satis audias,
Speres perpetuum, dulcia barbare
Lædentem oscula; quæ VENUS
Quinta parte sui nectaris imbuit.

I have

Largius, when he quarrelled with him at Tarracina about his mistress; the whole story, though witty, was invented by yourself; you added one circumstance, that all over Tarracina the following letters were written upon the walls, M. M. L. L. L. that when he asked what these meant, an old townsman answered you, *mouthing Memmius lops Largius's limb*. You may perceive how delicate, how elegant, how rhetorical this manner is; whether the story be founded in truth, which must yet be sprinkled with a little fiction: or if the whole be unfounded. But the property of this kind is, that the actions, the manners, the speech, and all the looks of the person you are talking of, are expressed so lively, as that the company thinks they are seeing him act every thing in person. Another kind of the ridiculous, taken from the subject, consists in what uses to be taken from imitating a certain awkward affected manner in the person you play upon. As Crassus, when he called out; BY YOUR QUALITY: BY YOUR BLOOD: nothing in these words could have raised a laugh in the assembly, but the humorous

I have endeavoured to preserve somewhat of the humour of the original in my translation; I should not have been a bit ashamed had I been obliged to have left it untranslated. I have only this to say for the translation of this, and the witticisms which follow, that if they do not read so well to us in English, as they did in Latin in the days of Cicero, yet at least they read as well as any literal translation could do. However, that the reader may have the pleasure of finding out the wit of this passage himself, I must inform him that the original is *lacerat lacertum* LARGII *mordax* MEMMIUS.

morous imitation, or the look and tone. But when he came to, BY YOUR STATUES, and enlivened it with a little action, by stretching out his arm, we laughed excessively. Of this kind is that, where *Roscius*, in the character of an old man, says, [e] *for you, my Antipho, I plant these; here*

[e] *For you, my Antipho.*] These seem to have been the words of an old man planting trees, and telling his son, that himself could not live so long as to see these trees come to maturity; but that he, as being a vigorous young man, would reap the fruit of them. What Crassus adds, *senium est, cum audio*, means that *Roscius* so perfectly imitated a coughing old man with a broken, trembling voice, that one would have thought he heard the old man himself, and not a player acting the part of the old man. *Pearce.*

As this learned gentleman lays down this only as a conjecture, I hope I may be indulged in another; I am apt therefore to think, that the words *senium est, cum audio*, are a part of the line here quoted: and that when *Roscius* pronounced this line, it was not in the character of an old man, but of a young fellow ridiculing his father's words. If we take it in this sense it gives a much greater spirit to the line. For we are to observe, that Cicero is here giving an example where a little action enlivens the imitation. Therefore, if we suppose that *Roscius*, in the character of that young fellow, imitated the manner of an old man planting, and then returning all at once to the character of a young man, gives a much stronger example of the species that Cicero is here describing, than if we suppose, with Dr. Pearce, that *Roscius* then played only the part of an old man in the play.

We have an example very parallel to this in the Frogs of Aristophanes, the first scene of the play, where Bacchus and Xanthias are brought upon the stage. The first complains heavily of a severe load he was obliged to bear, while the other rallies him, and tells him that he never saw the actors upon

here I feel old age itself. But in the mean time, this species of ridicule must be handled with great caution. For when one over-does it, he becomes a buffoon, and runs into indecency. But an orator should not be a mimic, but appeal more to the understandings than to the senses of his audience. He likewise keeps up to the character of good breeding and modesty, by shunning all indecency in action or expression. This is that species of RIDICULE which arises from the *subject*, and constitutes [f] that humour, wherein the manners

upon the stage carrying the vessels which their parts required them to bring upon the theatre, without feeling himself more than a year older than he was.

ὡς ἐγὼ θυμαίνος,
Ὅταν τι τούτων τῶν σοφισμάτων ἴδω
Πλεῖν ἢ πεντῆ πρεσβύτερος ἀπέρχομαι.

[f] *That humour.*] As Cicero in this, and other passages, uses several terms, for every one of which we have not a proper word in English; and as I have translated them as I thought the genius of our language required, I shall give the reader the criticism of a great ancient upon each of the expressions made use of here. It is that of Quintilian, in lib. 6. cap. 3. de Inst. Orat.

Pluribus autem nominibus in eadem re vulgo utimur: quæ tamen si diducas, suam propriam quandam vim ostendent.

Nam Urbanitas dicitur: qua quidem significari video sermonem præ se ferentem in verbis, & sono, & usu proprium quendam gustum urbis, & sumptam ex conversatione doctorum tacitam eruditionem: denique cui contraria sit rusticitas—Venustum esse, quod cum gratia quadam & venere dicatur, apparet.———Salsum in consuetudine pro ridiculo tantum accipimus; natura non utique hoc est, quanquam & ridicula oporteat esse salsa. Nam & Cicero, omne quodsalsum sit, ait esse Atticorum: non quia sunt maxime ad risum compositi: & Catullus cum dicit.

Nulla

manners of mankind are so represented, as that their qualities may be known to be real in any narration, or, by slightly mimicking, their vices may be exposed to ridicule.

CHAP.

Nulla in tam magno est corpore mica salis:
Non hoc dicit, nihil in corpore ejus esse ridiculum. Salsum igitur erit, quod non erit insulsum, velut quoddam simplex orationis condimentum; quod sentitur latente judicio velut palato, excitatque & a tædio defendit orationem. Sane ut ille in cibis paulo liberalius aspersus, si tamen non sit immodicus, affert aliquid propriæ voluptatis: ita hi quoque in dicendo habent quiddam quod nobis faciat audiendi sitim. Facetum quoque non tantum circa ridicula opinor consistere. Neque enim diceret Horatius Facetum Carminis Genus Naturæ concessum esse Virgilio. Decoris hanc magis, & exultæ cujusdam elegantiæ apellationem puto. Ideoque in epistolis Cicero hæc Bruti refert, verba: næ illi sunt sunt Pedes faceti, ac deliciis ingredienti molles. Quod convenit cum illo Horatiano,

Molle atque facetum Virgilio.

Jocum vero accipimus, quod est contrarium serio. Nam & fingere & terrere, & præmittere, interim jocus est. Dicacitas sine dubio à dicendo, quod est omni generi commune, ducta est: propriè tamen significat sermonem cum risu aliquos incessentem. Ideo Demosthenem urbanum fuisse dicunt, dicacem negant.

"We commonly make use of several words to express the "same thing, but if you examine you will find each of them "to have its own particular signification. Thus by *urbanitas* "is meant a polite discourse, which in its words, accent, "and use discovers a certain delicate taste joined to a secret "tincture of learning taken from the conversation of men of "letters, and so is opposed to *rusticitas*.

"By *venustum* is meant what is spoken in a graceful delicate "manner. The *salsum* in an ordinary discourse is only apply-"ed to the *ridiculous*: but this is not founded in nature, though "it is necessary that whatever is ridiculous should be *witty*. "For Cicero attributes all *wit* to the Athenians, not because "they were peculiarly adapted to laughter. And Catullus,

"when

CHAP. LX.

RIDICULE arises from the language, when it is excited by a play upon a term or its meaning: and as we recommended in the former kind to avoid mimicry, either as to the relation or imitation; so in this, the orator is, by all means, to avoid whatever borders upon the character of a punster. For what difference do we find betwixt a Crassus,

"when he says, *There is not one grain of salt in so huge a* "*body*, does not mean, there was nothing *ridiculous* in her "body. Therefore the salt of a discourse is that natural sea-; "soning, which prevents its being insipid; and which upon "deeper reflection leaves as it were a relish upon the palate; "enlivens the attention, and preserves the oration from cre- "ating a laugh. And as salt, though pretty liberally sprin- "kled on meat, if not excessive, affords a pleasing relish; so "in speaking, this salt has somewhat so pleasing, that it raises "a desire of hearing more.

"I think likewise that the *facetum* is not used in the *ridi-* "*culous* only; for Horace would not make the character of "Virgil to be *facetum*, if that were its meaning. I think "rather that it signifies a genteel and elegant manner. And "thus Brutus used it, as Cicero shews in one of his epistles, "*Nec illi sunt pedes faceti ac deliciis ingredient molles;* which "agrees with that expression of Horace.

Molle atque facetum Virgilio.——

"By the word *jocum* is meant what is contrary to serious- "ness; for to feign, to affright, and to promise, is sometimes "*jocus*.

"The word *dicacitas* comes without doubt from the verb "*dico*, and is common to all these kinds; yet it properly sig- "nifies a discourse that causes laughter, therefore Demos- "thenes is said to be Urbanus, and not Dicax." 3

Crassus, a Catulus, and the like, and your acquaintance Granius, or my friend Vargula? Indeed I cannot conceive any, for they are both of them professed *wits*. No man is more garrulous than Granius; but in my opinion, the *characteristical* difference lies, in not always thinking ourselves *obliged* to say good things, when we *can* say them. A short man who was to give evidence, appeared in court; *Permit him*, says Philip, *to give his evidence: But pray*, says the delegate, who wanted to be gone, *let him be very* SHORT. *Why, you see he* is *very* SHORT, says Philip. [r]This was humorous; but L. Aurifex, who was more of a dwarf than the witness himself, sat upon the bench, and the whole laugh went against the judge, which rendered the joke indecent. Therefore, when your wit wounds a person whom you wish it should not, the point of it is no excuse, when it is indecent. Appius affects wit, and, indeed, is witty, yet he sometimes falls into indecorum. [s]*I will sup with you*, said he, to my friend Sextius, who has but one eye, *for I see there is one wanting*; this was indecent, both by being insolent, and applicable

[r] *This was humorous.*] It is but just that we give the reader the wit of the original, lest he find none in the translation. *Pusillus testis processit. Licet, inquit rogare, Philippus? Tum quæsitor properans, modo breviter. Hic ille, non accusabis; Per pusillum rogabo.*

[s] *I will sup.*] Orig. *Cœnabo apud te, uni enim Locum esse video. Lava Manus & Cœna.*

applicable to every man who wants an eye; and lost a great deal of its effect by appearing premeditated; but how pretty was the instant retort of Sextius. *But you must have clean hands*, said he, *before you sit down.* It is therefore a regard to time, moderation in the indulgence of wit, the being temperate and sparing in saying *good things*, that distinguishes an *orator* from a *buffoon;* because, when we say a good thing, it is not merely for the sake of the joke, but to do some service to our cause; whereas they spend whole days upon this, and have no cause to serve at all. For what did Vargula gain when A. Sempronius, while a candidate, and his brother Marcus embraced him? [1]*Boy*, said he, *drive away the flies.* All he sought was a laugh, which in my mind is the poorest wit. The time therefore of saying *good things* must be directed by *good sense* and *good manners:* I wish these could be reduced into an art, but nature will always predominate.

CHAP. LXI.

LET us now explain in a few words those kinds that are most effectual in raising a laugh. The first division of them is, That all witty sayings

[1] *Boy, drive away the flies.*] Orig. *puer, abige* muscas; in Latin *musca* is figuratively used to signify an impertinent, troublesome fellow.

ings have their point sometimes in the *subject*, sometimes in the *words*; but the greatest pleasure is when the *ridicule* arises from the agreement betwixt the *thing* and the *words*. But beware, that when I touch upon a topic proper for ridicule, it is generally proper for very noble sentiments. All the difference is, that dignity must be strictly preserved, where the subject is laudable; and *ridicule* takes place in *little*, *mean*, and what we may suppose to border upon vice. Thus in the same words I can praise a servant if he be *honest*, and play upon him if he is a *rogue*. What Nero long ago said of a pilfering slave was humorous enough: [k]*That he was the only servant to whom nothing in his house was either sealed up or concealed.* Now the same thing, in so many words, might have been said of a good servant. But they all arise from the same subjects. For how noble, how fine, was what the mother of Carvilius said to him, when he was ashamed to appear in public on account of his lameness, occasioned by a wound which he received by fighting for his country: [l]*Why do not you, my son, appear abroad,*

[k] *That he was the only servant.*] Orig. *solum esse, cui domi nihil sit nec obsignatum, nec occlusum.* The Romans in their houses had a way of sealing things up, especially bottles and casks.

[l] *Why do not you, my son.*] Cicero appears so extremely fond of joking, that he has in many passages robbed the Greeks of their wit to give it to his own country. Plutarch, who wrote

abroad, since every step you make puts you in mind of your bravery? This was of the noble, and of the serious kind. But what did Glaucia say to Calvinus, who was lame? *Where is that old fellow[m] lame? and in mind he is the same.* This is ridiculous: yet both these jokes are drawn from an observation of the same imperfection. [n]*He is more knavish than Nævius,* was a severe saying of Scipio. But to one who has a bad smell about him, what Philip said was humorous: [o]*I perceive, sir, I am caught, and that*

long after Cicero, and who never would have ventured to have replaced these sayings to the Greeks, had he not been warranted by unquestionable authorities, has restored several of these to their true owners. In his *Apothegms of the Spartan Dames* he tells us a story somewhat of this nature; and another betwixt Alexander and his father, almost to the same purpose with this. However, it must be owned that the manner in which Cicero introduces this saying makes it one of the prettiest in all antiquity.

[m] This wit, which is only a cold pun, turns upon the ambiguity of the verb *claudico*, which was applied to express both a lame and a *depraved* man. Calvinus it seems was as *lame* in mind as he was in body. E.

[n] *He is more knavish than Nævius.*] Orig. *Quid hoc* NÆVIO IGNAVIUS?

[o] *I perceive sir, &c.*] Orig. *Video te a me circumveniri.* Cæsar says, that these two jokes of Scipio and Philippus, consist *in the alteration of a single letter of the same word.* In Scipio's, the words *Nævius* and *ignavius* sound much alike, and the letters that compose them are almost the same. But in this joke of Philip's, what word is like *circumveniri*, I am quite at a loss to say. It therefore can be no joke, unless we read with some vulgar editions, and Lambinus and Stephanus, *Video me a te non* CONVENIRI, *sed* CIRCUMVENIRI. Take notice reader, that

that by a goat: yet both kinds consist in the alteration of a single letter of the same word. Equivocal sayings are esteemed as being of the wittiest kind, but they are not always employed in jests, they are sometimes applied seriously. When Africanus the elder was fitting a crown upon his head at an entertainment, and it had several times broke as he was adjusting it; [p]*No wonder that it does not fit*, says P. Licinius Varus, *for the head is great.* This was grand and noble. Another of the same kind is, [q]*he is bald enough*

that this is spoken against a fellow who had a bad smell; and the meaning is, as your breath has such a stench, as often as you *meet* me you don't seem to *meet* me, but to be contriving somewhat to my prejudice, and to over-reach me. *Pearce.*

I own that I cannot find out the wit of this saying by admitting this learned gentleman's reading. In my opinion it scarcely smells of a pun, far less of wit, or a joke. He asks what word is like *circumveniri* in this joke? Cæsar has accounted for that; you need but change one letter, and you have the whole of the wit; for if instead of *circum* you read *hircum*, the smell of which every body knows was proverbial among the Romans, you have, if not a joke, yet somewhat that looks like a pun. It is surprising that so easy an observation as this should have never been made upon this passage; and that it should have reduced so many learned men to call in a reading which I do not find they pretend is supported by any manuscript.

The wit of this paltry pun, which appears to have baffled all the commentators, consists in the similarity of *circum* (which was pronounced kirkum) to *hircum*, a goat, an animal proverbial for its ill scent. E.

[p] *No wonder.*] Orig. *Noli mirari si non convenit, caput enim magnum est.*

[q] *He is bald enough.*] Orig. *Calvus satis est quod dicit parum.*

enough of all conscience, for he talks very little. In short, there is no kind of wit, in which both severe and serious things may not be said from the same subject; and likewise we are to take notice, that every thing that is *ridiculous*, is not refined wit. For what can be more ridiculous than Sannio? But his mouth, his face, his mimicry, his voice, in short his whole body is laughter itself. I might call him *witty*, but then his wit is not of that kind which I would recommend to an orator, but to a player.

CHAP. LXII.

When a laugh therefore is raised in the first kind, which is the greatest source of laughter, and consists in representing the morose, the superstitious, the suspicious, the vaunting, the foolish, that laugh is not owing to our wit, for these qualities are in their own nature ridiculous: And they are characters which we do not use to represent, but to lash. With respect to the other kind, which by imitation becomes extremely ridiculous, we ought never to indulge ourselves in it; but if we ever use it, it should be as it were by *stealth*, and *cursorily*; otherwise it is far from good breeding. The third, which consists in the disguise of the features, is unworthy our profession. The fourth, which is *obscenity*, is not only unworthy of the *forum*, but the conversation of gentlemen. Having therefore cut off

off so many circumstances from this province of eloquence, there remains wit, which consists, as I have divided it already, in what arises from the subject or the expression. For the wit that arises from the subject will still be wit in whatever expression you cloath it; but where the wit evaporates by the alteration of the expression, then it is all contained in the first expression. Equivocal wit is the most cutting, and arises from the expression, and not from the subject; but it is not very often productive of great laughter; being rather commended as prettily spoken, and turning upon the letter. As when Titius, who was famous for his great keenness in playing at tennis, but suspected of breaking the sacred figures in the night-time, was missed by his companions in the Campus Martius; Vespa Terentius made his excuse by saying, *that he had broke an arm.* Like the saying of Africanus in Lucilius; [r]*What, Decius*, said he, *will you push hard?* Like Granius, your friend, Crassus, who said *he had not a farthing.* The man of sheer wit, as we call it, is most eminent in this kind; but there are other kinds that raise more laughter. The equivocal, as I have observed before, is chiefly recommended by itself, for it seems to be somewhat for one to give a signification to a word, different from its common acceptation: but it rather produces admiration than laughter, except

[r] Orig. *Quid, Decius, nuculam an confixum vis facere inquit?*

except when it happens to class with another kind of *ridicule.*

CHAP. LXIII.

I WILL run over these kinds; but you know that the most eminent kind ~~of the *ridiculous*~~ is where, expecting to hear one thing, ~~we meet with~~ another: here our disappointment makes us laugh at ourselves: but if somewhat of the *equivocal* is thrown in, the wit is heightened. Thus a man in Nævius, pitying a man carried to be sold upon a judgment for debt, he asked, '*For how much is judgment gone against him?* He was answered, *for a thousand pieces.* If he had only added, *you may bring him*, it would have afforded unexpected laughter; but as he answered, *I add no more, you may bring him*, he used an *equivocal* expression, and thus altered the ridicule, and, in my opinion, made it more pointed. The wit is also very pungent, when in a dispute you lay hold of one of your antagonist's expressions; and, as Catulus did upon Philip, play upon him with his own weapons. But as there are more kinds of the *equivocal*, which require to be more delicately discussed, we must watch, and, as it were, catch at words. And here, though we avoid all frigid expressions, (for we must by all means guard against any thing that is forced) yet

' *For how much.*] Lat. *Quanti addicus? Mille nummum.— Nihil addo; ducas licet.*

yet we may have a great many witty things to say. The other kind consists in a small alteration of a word, generally of one letter, called by the Greeks *paranomasia:* as Cato, when he said that the [t]*nobility* were the *mobility*. Or when, as he said to a certain person, [u]DO, *let us go to walk;* and the other replied, *What occasion is there for* DE?[v] But the other replied, *There is occasion for* TE. *What occasion is there for* YOU? said he. Or when he had answered thus, [w]*You are lewd both* behind *and by* KIND. Why is such a man called so and so? The explanation of a name has smartness in it, when you turn it into the *ridiculous:* as I did lately when I said that Nummius the beadle, like Neoptolemus of Troy, had found his name in the Campus Martius.

CHAP. LXIV.

BUT all these rest upon the word. A line too is very often thrown in very facetiously, either as it really stands, or with a little variation; or some

[t] *Nobility, mobility.*] Lat. *Nobiliorem, mobiliorem.*

[u] *Do let us,* &c.] Lat. *eamus deambulatum.—Quid opus fuit* DE?————*Quid opus fuit* TE?

[v] The preposition *de* before ambulatum was unnecessary; but when asked what need there was for it, he parried off the question by its resemblance to *te. Nay, there is need of thee.*

[w] *You are lewd.*] Lat. *Si tu & adversus es impudicus.*

some part of a verse, as Statius said to Scaurus; when he was angry; a joke, Crassus, from which some people say your law upon enfranchisements took its rise. *Silence there! what a rout you make! It ill becomes you to be so confident, who have neither father nor mother. For shame, no more of that pride.* A saying of this kind, Antony, was likewise of great service to your cause, with regard to one Cælius, who had a very handsome son; who declared that he had been forced to pay a sum of money as he was going off. †*Do you think the old fellow is tricked of thirty pieces?* said you. Proverbs are ranked under this head; as Scipio, when one whose name was Ass, said, in a boasting manner, *that he had served as a soldier all over our provinces. You talk like an ass*, said he. Therefore, those kinds too, because when translated into other words, they lose their wit, are reckoned not among the jests where the wit turns upon the subject, but upon the expression. There is a kind likewise which is not at all insipid, as it turns upon words by seeming to understand a matter by the *literal expression*, and not by the *obvious meaning*. One *Tutor*, an old player, a very comical fellow, run quite into this way. But I have done with players; I only want to point out this kind of joking by some remarkable, notorious instance. And, Crassus, I cannot do better than mention what

†*Do you think the old fellow.*] Lat. *Sentin' senem esse taetum triginta minis?*

what you lately said to one who told you, *he hoped he would not be troublesome, if he come to you a good while before break of day: By no means: Then*, said he, *shall I order you to be awaked? Surely*, said you, *you forgot you told me you was not to be troublesome.* Of the same kind was that which the famous M. Scipio of Maluga, when he declared that Acidinus, one of his own century, was consul. When the cryer ordered him [2]DECLARE your sentiments respecting L. Manlius. Scipio answered, *I* DECLARE *that I think him a good man and a worthy citizen.* It was comical enough of L. Porcius Nasica to Cato the censor, when the latter asked him, [3]*Have you upon honour a wife.* He answered, *I have not a wife upon honour.* These are either quite insipid, or they have some point when not expected; for, as I have before observed, we naturally take pleasure in things which surprise like these, and this makes us laugh, when we are, as it were, baulked in our expectation.

CHAP. LXV.

THAT species which changes from literal to allegorical, or answers according as you place one word, or invert several, is, altogether, of the verbal

[2] *Declare your sentiments.*] Lat. *Dic. de L. Manlio.*

[3] *Have you upon honour.*] *Ex tui animi sententia.*

bal kind. An example of that which shifts from the *literal* to the *allegorical*, is what M. Servilius formerly said to Rusca, when he passed the qualification act: *Tell me, M. Pinarius*, said he, *if I should oppose you will you rail at me as you have done at others? According as thou sowest*, replies the other, *so shalt thou reap.* An example of the transposition of words, was when the Corinthians offered to erect a statue to the elder Scipio, in the same place with those of their other generals; he said, *that he did not like troopers.* As to the inversion of words; when Crassus was pleading for Aculeo, before M. Perperna, L. Helvius Lamia, who you know has a very deformed figure, was counsel against Aculeo for Gratidianus; and when he had made several impertinent interruptions, *Let us hear*, said Crassus, *the charming youth.* When this raised a laugh; *I cannot*, said Lamia, *mend my figure, but I can my understanding. Now let us hear*, replies Crassus, *the man of eloquence:* and here was a greater laugh than before. Such hits are extremely agreeable, both in serious and facetious sentiments. For I have observed long ago, that though the subjects of jest and earnest were different, yet that the manner of treating both was the same. One of the principal ornaments of a discourse is the *antithesis*, where words are in contrast with one another: this kind is very often humorous; as when Servius Galba made his bottle-companions judges, while Lucius Scribonius was tribune of the people; Libo asked him,

When

When Galba, will you leave your own dining-room? Whenever, answered he, *you leave another's bedchamber.* The saying of Glaucia to Metellus, was much of the same kind; *you have a country-house at Tiburtinum, but its court is at the Palatium.*

CHAP. LXVI.

I NOW think I have discussed verbal wit; but, as I said before, that which arises from *subjects* is vastly more copious; of this kind is the narrative of a subject, a matter of great difficulty. For those circumstances that appear most plausible must be expressed, and that too to the life, this is the peculiar excellence of a narrative, as likewise must all the circumstances that have any thing mean in them; this is proper to the *ridiculous.* The shortest example of this that I can think on, is that which I mentioned before of Crassus to Memmius. To this kind we must refer the narrative of fables. Somewhat of this kind too may be brought from history; as when Sextus Titius called himself a Cassandra; *I can name,* said Antony, *many an* [b]*Ajax Oileus for you.* It likewise arises from similitude, either by way of *comparison or resemblance;* as that Gaul, who was formerly evidence against Piso, and

[b] *Ajax Oileus.*] He, according to the Greek story, ravished Cassandra.

and said, *that he had given a vast deal of money to his Lieutenant Magius;* and when Scaurus alledged, in opposition, the poverty of Magius; *You mistake me, Scaurus,* said he, *I did not tell you that Magius had hoarded that money up, but like a naked man, gathering nuts, he put it into his belly.* As when old Marcus Cicero, the father of the same excellent person who is our friend, said, *that our countrymen were like the Syrian slaves, the more Greek they knew, the greater rogues they were.* Representations of deformity, or any defect in the person, when represented by [c]any object still more deformed, are likewise extremely ridiculous: as when I said to Helvius, *now I will shew you what you are like. And what am I like?* replied he. *See there,* said I, pointing to a Gaul painted upon one of Marius's Cimbrian shields, all distorted, with his tongue lolling out, and his chops fallen. This got the laugh, for nothing ever appeared more like Mancia. Of the same kind was a joke passed upon Testius Pinarius, who, when he spoke, seemed always to be chewing, *that he would make an end of his speech when he had cracked his nut.* Hyperbolical sayings, either when they magnify or diminish, excite incredible surprise. As when you, Crassus, said, *that Memmius was so lofty in his own eyes, that when he came into the forum he stooped as he passed*

[c] *An object still more deformed.*] We have got a term for this from the Italians, *viz. caracutara.*

passed through the Fabian arch. Or when Scipio said at Numantia, when he was angry with Quintus Metellus, *that the next child his mother bore would surely be an ass.* The meaning is likewise very shrewd, when from a very small circumstance, often by a word, a dark, concealed matter is cleared up. As when P. Cornelius, a man whom the world looked upon as both covetous and knavish, but a very brave man, and a good general, returned his thanks to C. Fabricius for making him consul, though he was his enemy, especially in a great and important war. *Why should you thank me,* said the other, *for chusing rather to be pillaged than sold?* Like what Africanus said to Asellus, while he was upbraiding him with his unfortunate censorship: *No wonder,* said he, *that it was unfortunate, for the man who took off your attainder made up the rolls, and sacrificed the bull;* so strongly did he presume that the perjury of Memmius had affected the state, by taking off the ignominy of Asellus.

CHAP. LXVII.

It likewise exhibits refined humour when your meaning and your expressions differ; I do not mean that kind where your meaning is quite the reverse of your words, as in the case of Crassus to Lamia, but when a serious vein of humour runs through a whole speech, by meaning one thing, and

and saying another. As our friend Scævola said to Septumuleius of Anagnia, the same who was paid the reward for the head of C. Gracchus, when he begged he would carry him along with him, as his lieutenant, into Asia. *Why, you are mad!* said he, *what do you mean? I tell thee there is such a number of profligate citizens in Rome, that, believe me, if you remain here you will make your fortune in a very few years.* Fannius in his annals informs us, that Africanus Emilianus was a wit of this stamp, and styles him by the Greek name of Eiron. But people who know these things better than I do, say, that Socrates, I think, by far excelled all mankind in the wit and good sense of this *irony* and *dissimulation.* It is indeed wit of a refined kind, and when seasoned with a serious air, may be applied both in formal harangues, and common conversation. And, indeed, all that I have said upon the subject of humour, is not more properly adapted to season pleadings in the forum, than it is common conversation. For I think it is a very sensible thing that Cato, from whom I have borrowed a great many of the examples I have laid down here, said, that P. Mummius *was a man fitted for all times and characters.* In short, the case is, that there is no occasion in life in which it is unbecoming to use wit and good humour. But to resume what I was upon; very much of this kind is that where a decent term is used to express a base idea. As when Africanus the censor was removing from his tribe a centurion who had not

been present at Paulus's battle, and who excused himself, by saying he had stayed behind to watch the camp; it was asked of Africanus why this man was branded? *I do not admire*, said he, *your watchful people.* It is likewise a cutting kind, when you lay hold of what the other person has just said, and turn it contrary to the sense in which he meant it. As when Salinator lost Tarentum, but kept the citadel, and made a great many brave sallies from it; some years after Maximus recovered the town, and Salinator bid him remember that it was by his assistance that that he had won it: *I may well remember it*, said Maximus, *for I could never have won it if you had not lost it.* These are likewise [d] absurd, but for that reason often very ridiculous, and fit not only for players, but in some measure for us; for instance; *he was fool enough to die just as he came to an estate.*——Again, *what is that woman to you?*——*your wife*——*you are like one another, by heavens!* Again, *while he trudged about he never died.*

CHAP. LXVIII.

THIS species is trifling, and, as I said, *farcical*; but it sometimes takes place with us; so that one who is no fool may say a smart thing, as it were

[d] *Absurd.*] The species mentioned here is precisely what we in England call *bulls.*

were in a simple manner: as what Mancia said to you, Antony, when he had heard, that when you was censor, you was impeached of *undue practices*, by M. Duronius: *So! I see that you may some time or other act for yourself.* Such sayings occasion great laughter, so indeed does every witty thing that is said by men of sense, under pretence of not understanding what one does understand. Of this kind was what Pontidius said, when one asked him, *what do you think of a man who is caught in adultery? Why*, answered he, *I think him a careless fellow.* As when Metullus would not excuse me in a levy he was making, though I pleaded a disorder in my eyes; *what*, said he, *do you see nothing at all? Yes, sir*, said I, *I can see your country house from the* * *Esquiline gate.* Like what Nasica said, when he came to the house of the poet Ennius, and, when he called for him, was told by the maid at the door, that he was gone abroad; Nasica was sensible that the other was at home, but that he had given the maid orders to deny him; and a few days after, when Ennius came to his house, and asked for him at the gate, Nasica himself called out to him that he was not at home: *what*, said Ennius, *do not I know your own voice? Art not thou a very impudent fellow?* said the other; *when your maid told me that you was not at home I believed her; but you will*

* *Esquiline gate.*] This was a very fine stroke, for Metullus had built a noble country-house, and was liable to be called to account for the money he had laid out in building it.

will not believe that I am not at home, though I tell you so myself. It is likewise lively when a man is rallied in the very strain in which he rallies another. As when Q. Opimius, a *consular*, who was a young man of an infamous character, attacked Egilius, a man of wit, but one who appeared more effeminate than he really was: *how do you do my lovely* EGILIA? *When will you come, and, bringing your work, spend an evening with me? You know*, replies the other, *I dare not, for my mother forbids me to associate with women of bad fame.*

CHAP. LXIX.

THOSE sayings too are witty, which contain a concealed vein of irony. Like what was said by a Sicilian, when his friend was complaining that his wife had hanged herself upon a fig-tree. *Pray, my friend*, said he, *can you get me some slips of that same tree that I may graft them in my garden?* Of the same kind was what Catulus said to a wretched orator, who thought that he had finished his speech in a very pathetic manner, and after he had sat down asked of Catulus, *whether he did not think that he excited pity in the assembly? Very much*, said the other, *for I will venture to say that the hardest heart here* PITIED *you.* For my part, I am vastly taken with a spiteful, testy humour, when it comes from a good-natured man; for otherwise

we do not laugh at the wit, but the disposition of the speaker. Therefore I think there is a very humorous stroke of this kind in Nævius, *why do you cry, father? It is a wonder that I do not sing? Why, I am cast.* The patient cool kind of the ridiculous is, as it were, opposed to this: as Cato, after he had received a blow by one who was carrying a plank, was bid by the fellow to take care; *What, have you got any thing else besides the plank there?* said Cato. A witty way of exposing dulness is agreeable too: as the Sicilian, to whom Scipio, when prætor, assigned his landlord, who was a rich man but a great blockhead, for his counsel. *Pray, my lord,* said he, *give this counsel to my antagonist, and then none at all to me.* We are likewise taken with those instances, where a thing receives an explanation in a smart, concise way, quite contrary to its meaning. As when Scaurus accused Rutilius of bribery, when the first was made consul, and the other lost his election: and in his papers pointed out the letters A. F. P. R. which Scaurus explained to be *acted* upon the *faith* of P. RUTILIUS; but the other insisted they signified, *anterior* in *fact*, *posterior* in *relation*. Cæus Cannus, a Roman knight, who appeared for Rufus, called out that both of them were mistaken in the meaning of these four letters. *What do they mean then,* said Scaurus? *Why,* said the other, A. EMILIUS FAULT PUNISHES RUTILIUS.

CHAP.

Lat. actum fide P. RUTILII.——*ante factum, post relatum,* ——*Æmilianus fecit, plectitur Rutilius.*

CHAP. LXX.

THE joining opposite qualities are likewise witty; *he wants nothing but money and virtue.* A friendly reprimand thrown out by way of mistake is likewise very pretty. As when Albius played upon Granius, who when he saw his own accounts appealed to for proof against Scævola, who was acquitted, seemed exceedingly well pleased, without reflecting that the same sentence had virtually condemned his accounts. Of the same nature with this, is the familiar air with which you give advice. As when Granius advised a wretched pleader, who had grown hoarse by speaking, to drink some cold honey-wine when he went home. *Why,* says the other, *that will* ruin *my voice: better,* replies he, *ruin that than your client.* It is likewise very pretty when one says any thing that just hits the character of another; as when Scaurus got some ill-will to himself by taking possession of the estate of Phrygio Pompeius, a man of great fortune, without any will of the deceased; as he appeared counsel for Bestia, who was impeached by C. Memmius, a funeral happened to pass by. *See there,* says Memmius, *a funeral; ah! Scaurus, could you but be the heir?* But none of these kinds is more witty than that which strikes you unexpectedly. We may bring a great number of examples of this. I shall only mention that of the elder Appius. Upon a debate in the senate with regard

to the public lands, and the Thorian law, it was like to bear hard upon Lucilius, that some of the members said, his cattle grazed upon the public lands; *you mistake*, said Appius, *they were not the cattle of Lucilius*, seeming to take Lucilius's part, *they belong to none, for they feed where they have a mind.* I am likewise pleased with the saying of that Scipio, who struck down Tib. Gracchus; when M. Flaccus appointed P. Mucius for one of his judges, after a great many reproaches, *I except against him*, said he, *for he is partial:* upon this being called to order; *ah! father's conscript*, said he, *I do not except against him as he is unjust to me, but to you all.* Nothing could be more witty than what was said by our friend Crassus here, when a hearsay of one Silus, who was an evidence against Piso, had like to have hurt him; *perhaps*, said he, *Silus, the person who you heard say so was in a passion;* Silus seemed to agree: *perhaps likewise you did not perfectly well understand him;* he signified his assent likewise to this with a low bow: *perhaps too*, continues Crassus, *you did not hear a single word of what you pretend to have heard.* This was so unexpected, that the evidence was quite confounded with a general laugh. Nævius is full of this kind of jokes; this saying is in every body's mouth; *though a philosopher, if you are cold you will tremble.* With many such sayings.

CHAP. LXXI.

You likewise very often humorously complimented your adversary with those qualities which he would not allow to you; as when a fellow of an infamous family said to C. Lælius, *that his actions were unworthy of his blood: By heavens,* replied the other, *your actions are very worthy of yours.* Witty things are often thrown out with sententious gravity; as M. Cincius, on the day when he passed the law the better to regulate rewards and fees, when Caius Cento appeared and asked him in an opprobrious manner, *what law he was passing? Why,* replies the other, *that every man who uses his neighbours goods should buy them.* Very often impossibilities are wished for with a great deal of wit, as M. Lepidus, while his fellows were exercising in the field, after he had stretched himself upon the grass; *I wish,* said he, *this was working.* It has likewise a very good effect, when you give a disagreeable answer with a calm air to a fellow who is questioning; and, as it were, teazing you. As Lepidus the *censor,* when he deprived M. Antistius of Pyrgi of his horse, and his friends were making a terrible bawling, and questioning how he could answer to his father for having his horse taken from him, since he was a most excellent, industrious member of the colony. *Tell him,* said he, *that I do not believe this.* Some other kinds are collected by the Greeks, such as curses, admira-

tions, threats. But I am afraid the kinds I have already mentioned are rather but too many; for those which consist in the meaning and the energy of expression, are generally fixed and definite: but these, as I have observed before, beget rather admiration than laughter. But as to those which turn upon the subject and the sentiment, their heads are but few, though the particulars are infinite. For *the ridiculous* is felt by deceiving our expectations; in rallying the qualities of another; or playing humorously upon our own; by comparisons drawn from meaner objects; by dissembling; by throwing out designed absurdities, and reprimanding folly. The man, therefore, who desires to be a *wit*, must receive from nature a certain cast peculiarly adapted to the kinds I have mentioned; his manners, and even his very look, must be accommodated to, and expressive of every kind of *the ridiculous*; and the more grave and serious one's looks are, the wit has the greater effect; as appears, Crassus, from your manner. But, Antony, as you said that you would indulge yourself by reposing in this inn, where wit, such as your own, furnishes all the entertainment, as if you were got into Pomtinum, a disagreeable, unhealthy place, I am of opinion, that you think you have rested long enough, and that you should now set out to finish your journey. Replies he, Truly, besides the friendly reception you have given me, I am now both better instructed in the nature, and more emboldened in the exercise of

joking

joking. For I am not afraid of any imputation of levity for my dealing in this way, since you have justified me by the authority of the Fabricii, the Africani, the Maximi, the Catos, and the Lepidi. But you have already heard what you wanted to know of me, at least all which required a greater degree of accuracy in expressing and conceiving; for the other points are more easy, and they all arise from what has already been laid down.

CHAP. LXXII.

For when I enter upon a cause, I survey it on all sides with all the attention in my power; and after I have seen, and comprehended the proofs that are to support my allegations, and the topics from which I am to conciliate the favour of the judges, together with those from which I am to touch the passions, then I consider with myself the strong and the weak side of the cause; for there is scarcely any subject that can fall under debate or dispute, that has not both. But to what degree is the question. My method in speaking was usually this; whatever I find really makes for me, that I embrace, embellish, exaggerate; there I dwell; to this I cling as my resting place: but from the weak and defective side I retire, though in such a manner as not to appear to shun it; but to have disguised it with the ornaments and amplifications which I spread over the

the strong side. And if the cause turns upon proofs, I attach myself principally to the strongest, whether complicated or single. But if the success depends upon conciliating, or affecting the judges, I then put my chief defence upon that part of it which is most calculated for gaining their affections. The whole of this lies here; if in a speech, my strength lies more in refuting my antagonist than in advancing proofs of my own, I then play upon him with all my weapons: but if it is more easy to prove my own allegations than to disprove his, I then endeavour to call the attention off from the defence made by my antagonist, and to fix it upon that which is made by myself: I then boldly lay down two things that appear most easy, because the more difficult ones are above my reach. The first is, that where a proof or an argument presses or perplexes me much, I sometimes do not speak one syllable in answer to it; some may laugh at this, for it is what every man can do; but remember I am now speaking of my own abilities, and not of another's; and I own, that if a circumstance bears hard upon me, I use to effect my retreat without seeming to fly and so far from throwing away, without shifting my shield. At the same time, when I speak, I employ a varnish and a pomp of language, and make a retreat as if it were a resistance; but, wherever I entrench myself, I do it so as to make it appear that my design is not to avoid my foe, but to occupy a firm position. There I observe what I think ought

ought, above all others, to be guarded and provided against by an orator; and with respect to this I always felt great anxiety; which is, to endeavour not so much to do service to my cause, as to do it no dis-service; not but that we ought to endeavour at both, but it is much more disgraceful to an orator to be thought to have hurt his cause by his blunders, than not to be able to serve it.

CHAP. LXXIII.

But what are you whispering to one another, Catulus? Does what I say meet with the contempt it deserves? By no means, replied the other; but Cæsar appears inclinable to speak something on this head. With all my heart, replies Antony, whether his design is to confute, or to interrogate me. Says Julius, Indeed Antony, I was always one of those who gave you this character as an orator; that in your speeches you appear to me the most guarded of all mankind; and it is your peculiar excellency, that you never said any thing to the prejudice of the cause you defended; and I remember that in a large company, when I was talking with Crassus upon this very head, and he had expatiated upon the praise of your eloquence, that I said your characteristic excellence was, that you left nothing unsaid that was to be said, and avoided saying any thing that ought not to be said. I remember

ber his answer was, that you possessed other qualifications in the highest degree, but none but a dishonest pretender could be capable of speaking what was not to the purpose, and thereby injuring his client. For this reason the avoiding this did not constitute a man eloquent; but the incurring of it branded him with audacity. Now Antony, if you please, I wish you would point out your reasons for thinking why it is so praiseworthy not to injure a cause, as to class it with the highest accomplishments of an orator.

CHAP. LXXIV.

For my part, Cæsar, replies the other, I will speak my opinion of the matter; but do you and all this company carry it along with you, that I do not here speak of some divinely accomplished orator, but of my own slender practice and capacity. As to the answer of Crassus, it was the answer of a noble and elevated mind, who looked upon it as a kind of miracle that any orator should injure a cause, and be prejudicial to his client by pleading. But he supposes others what he is himself, whose strength of genius is such, that he imagines no man, unless purposely, speaks what may make against himself. But what I said was not applicable to any eminent or extraordinary genius, but to men of plain common sense. Thus, among the Greeks, the famous Themistocles the

Athenian was said to have been possessed of an amazing sagacity and understanding. When a learned man of the first rank, in letters, as is said, came to him, and professed to teach him the art of memory, an art that was then just began to be taught; the other asked him what that art could effect? It will enable you, replies the professor, to remember every thing. Upon which Themistocles told him, that he would be much more obliged to him, if he could teach him how to forget rather than to remember some things. Do not you perceive how great, and how powerful the genius of this discerning person must have been, and how much understanding he possessed? Since from his answer we discover, that nothing which had once entered into his memory could escape it; since he chose rather to forget what he did not care to remember, than to remember whatever he had only once heard or seen. But this answer of Themistocles is no reason why we ought not to cultivate our memory, neither is my caution and timidity in causes to be overlooked, because Crassus possesses the greatest good sense. For neither of them imparted any of their abilities to me, they only expressed their own. For in causes there are a great number of circumstances, which in every part of a speech are to be carefully examined, lest you precipitately stumble against any thing. Often a witness may not hurt you or hurt you but very slightly, provided he is not exasperated. The party begs, the counsel presses us, first to abuse him, to rail at him, and then

examine

said, or are to say, or in its own nature distant from the practice and customs of the forum, does not that injure your cause? In short, my chief object in speaking (for I will repeat it) is to do my cause all the service in my power; and, if I cannot succeed in that, to do it no harm by being silent.

CHAP. LXXVI.

I THEREFORE now return, Catulus, to that point for which you some time ago praised me; I mean the order and arrangement of facts and topics. In this, two methods are to be observed; the first, that which the nature of the cause dictates; the other, which depends upon the judgment and good sense of the pleader. For the very nature and genius of eloquence requires us to premise somewhat before we come to the main point; next, that we prove it, by guarding all our own arguments, and confuting those of our antagonists; then to finish with a suitable conclusion. But as to the maxims that are laid down with regard to what we are to say, in order to prove, instruct, and persuade, that is the chief thing left to the good sense of the orator. A great many proofs present themselves; with several circumstances which promise to serve our pleadings; but of these, some are unimportant; and others, if in any way serviceable, are sometimes of such a nature, as to betray some flaw or other;

other; in which case the service they do is not so considerable as the mischief they bring along with them. But as to the proofs that are to the purpose, and strong, at least if, as it often happens, they are very numerous, I think it proper that the slightest, or those that are to the same purpose with others more weighty, should be separated, and set aside out of the pleading; and indeed, for my own part, while I am collecting evidence, I use rather to weigh than to number it.

CHAP. LXXVII.

We bring, as I have often observed, others to our sentiments by three things, by *informing*, by *conciliating*, or by *moving* them. Of the first of these three particulars we ought ever to be observant, and our object should be, *to seem as if our sole view was to inform.* As to the other two, they are to a speech what blood is to a body, they ought to be diffused through the whole of all pleadings. For both the beginning, and the other parts of a speech, (a point which we shall touch upon very soon,) ought principally to share this power; that they dilate themselves so as to be able to touch the minds of the audience. But as to the parts of a discourse, which, though they do not at all inform in the *argumentative* way, yet are extremely serviceable in the *persuasive* and the *pathetic*, though they

properly come in at the beginning, or in the close of a speech, yet, for all that, it is highly convenient, in order to touch the passions, that you make digressions from the main points, which you had proposed to discuss. Therefore, after the case is represented, after our own proofs are made good, or those of our antagonists refuted; or, in either, or in all these parts, an opportunity is often afforded for a digression, in order to touch the passions; and such a digression may be very properly introduced, if the nature of the cause is of that importance and variety as to admit it: and those causes which give the greatest latitude for such digressions, where we can introduce those topics by which the feelings of an audience are impelled, or restrained, afford the greatest room, and the fullest opportunities for exaggerating and embellishing. Now that I speak of this, I must find fault with those who place their weakest arguments first; and I think, as to this particular, they too are in fault, who, if upon any occasion they employ a great number of advocates, a custom which upon all occasions I am against, always desire him whom they think the weakest to speak first. For the very nature of things requires, that you come up, as soon as possible, to the expectation of an audience, because if they are disappointed in the beginning, the orator must labour a great deal harder in the succeeding part of the pleading, and a cause is in a bad way, when you do not prepossess the hearer with a favourable opinion of

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it at the commencement. Therefore, as in the case of orators, the best should always be employed first; so in pleading your strongest points should be first insisted upon; provided always, in both cases, that wherever the distinguishing excellence of either lies, it be kept up to the peroration. If any circumstances are but indifferent, (for we always reject those that are faulty) let them be thrown into the general mass, and huddled in the whole aggregate. Having lastly weighed all these particulars, I proceed to consider what I am to say in the first place, and how I shall set out; for whenever I wished to consider the introduction first, nothing occurred to me but what was dry, trifling, trite, and common.

CHAP. LXXVIII.

As to the introduction of a speech, it ought always to have accuracy, acuteness, sentiment, and propriety of expression, but especially calculated to the practice of the bar. For the first judgment, and, as it were, prejudice, which is formed in favour of a speech, arises from its setting out, which ought instantly to sooth and entice the hearer. Here I used to be surprised, not at those people who never applied to this business, but at Philip, a man of the first rank for eloquence and learning, who generally, when he rises up to speak, seems to be at a loss how he should begin; yet, at the same time, he says, that

after the first bout, when his hand is in, then he uses to fight in earnest; without reflecting that the very people from whence he borrowed this allusion toss their first javelins with great coolness, on purpose both to make their address appear with greater grace, and to manage their strength. And there is no doubt but a pleading in its setting out requires often to be strong and spirited; but if, among men who fight for their lives, a great many flourishes pass before they actually engage, which appear to be more for parade than in earnest, how much more is this to be expected in speaking, [s]where strength and sweetness are required to go hand in hand. There is no cause in the compass of nature, which pours itself into effect all at once, and suddenly vanishes; in like manner, nature hath disguised under gentle beginnings, the progress of the most violent commotions. But your preamble is not to be sought from abroad, nor elsewhere, but must be taken from the very essence of your cause. For this purpose, after you have felt and surveyed the whole of your cause, after you have found out and prepared all its topics, you are to consider which of them you are to employ in the preamble; it is thus easily found out; for it must

[s] *Where strength and sweetness.*] The vulgar editions read here *in qua non vis potius, sed delectatio postulatur.* Dr. Pearce, now Lord Bishop of Bangor, for *sed* read *quam*, upon the authority of some manuscripts. He says it is a much more usual expression: I add, it is much better sense.

must be taken from the allegations that are most fertile, either in proofs, or best adapted to those characters, into which I have said we ought frequently to deviate. Thus, it can never fail of being some way important, when it is borrowed in a manner from the main stress of our pleading; and it will thereby appear that it is not only not common, and not applicable to other causes, but shoots, and, as it were, flourishes from the cause, which is your immediate business.

CHAP. LXXIX.

EVERY preamble of a speech then ought either to give an intimation of the whole matter that is in hand, or to open and pave the way to the merits of the cause, or to serve for ornament and dignity. But, as in architecture houses and temples have their porticos and entries proportioned to them, so in pleading, the preamble of a speech ought to be in proportion to the importance of its subject. Therefore where the cause is trite and trifling, it is often most convenient to begin with the matter itself. But, as is generally the case, when the pleading requires an exordium, we are at liberty to borrow our sentiments from somewhat that regards either the party, or his antagonist, or the matter in dispute, or the judges. From the party (I call them so whose interest is at stake) we borrow whatever is expressive of a man of worth and

 generosity,

generosity, but unfortunate, and meriting compassion; and likewise whatever can most effectually destroy an unjust accusation. From the person of the adversary, we are to borrow almost the very opposite qualities, from the same common-places. From the matter; whether it is cruel, unnatural, happening contrary to all probability, unjust, piteous, ungrateful, unworthy, unprecedented, irredeemable, and irretrievable? But that the judges may be prepossessed in our favour, is a thing to be attained rather by pleading than by supplication. That indeed must mingle with the whole of a discourse, but chiefly in the end of it; yet the setting out often is of this kind. For the Greeks teach that we are first to render the judge attentive and tractable; though that is not more peculiar to the setting out, than to all the other parts of a discourse; but then they are most easily affected at the beginning, when the attention is most awakened, when the expectation is highest, and when the mind is most susceptible of impressions. Whatever too is said in setting out, whether by way of allegation or defence, appears with greater lustre than in the middle of a pleading. But the greatest variety of exordiums, either for enticing or moving a judge, are drawn from those topics, which, in the cause itself, are most proper for moving the passions; yet you are not to display all these in the very beginning, but you are to move the judge by a gentle impulse, so

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that the rest of your discourse may fall in with his biass.

CHAP. LXXX.

THE beginning, therefore, ought to be so connected with the subsequent part of a speech, as not to appear like the flourish of a musician, a thing detached; but like a well-proportioned member, of a piece with the whole body. For some people, after they have finished this premeditated part, make such a transition to the rest of their discourse, that they seem to demand, that the audience should suit themselves to their fancies. An orator then ought to treat a prelude, not as the Samnites do their spears, which they brandish before they encounter, though they decline the use of them in the combat; for he ought to fight armed with the very sentiments he used in his prelude. But as to the narrative, which they require to be short; if, by shortness is meant a style full without redundancy, then you have an example of it in the style of Lucius Crassus: If brevity consists in making use of just as many words as are absolutely necessary, that may sometimes indeed be expedient; but it is often very prejudicial to a narrative, not only as it renders it obscure, but likewise because it destroys the chief property of a narrative, which consists in its being agreeable, and adapted to persuade: for instance, where

the old gentleman says, *for as soon as he ceased to class with boys;* where is there any thing tiresome in this narrative? In this passage we see the manners of the youth himself, the curiosity of the slave, the death of Chrysis, the look, the shape and sorrow of the sister; and every other circumstance is told in a spirited agreeable manner. But if the author had effected a brevity like the following; [h]*she is carried out, we march, we come to the burying-place, she is laid on the pile*, he might have almost comprehended the whole in ten short verses; yet the conciseness of the expression, *she is carried out, we proceed*, gives it equal beauty and conciseness. But had there been nothing more than, *she is placed upon the pile*, the whole matter might have been easily understood. But a narrative is rendered lively, when it is marked with characters, and diversified by dialogues. The subject of it, too, likewise receives a greater air of probability, when you explain in what manner it was transacted; besides it is much more intelligible, if you sometimes dwell upon it, and not hurry over it with so much brevity. A narrative ought to be as manifest as any other part of a discourse; this will cost us more trouble, in that it is more difficult to avoid obscurity in a narrative, than in the beginning, in the proof, the exculpation, or the peroration. And the consequences of obscurity are

[h] *She is carried out.*] For this see the Andria of Terence, act 1. scene 1.

are much more dangerous here than elsewhere; either because obscure expressions in any other place are attended with no other inconvenience, than that they go for nothing; but obscurity in a narrative throws a cloud upon the whole discourse. In case you use an obscure expression in any of the other parts, you have it in your power to explain it elsewhere; but a narrative can only stand in one place. The way however to render a narrative perspicuous, is to convey it in plain expressions, in a regular method, as to time, and without any interruption of the circumstances.

CHAP. LXXXI.

But at what time to introduce, and when to avoid a narrative is a consideration which requires judgment; for we have no business to detail an affair that is notorious and self-evident; nor after our antagonist has done it, unless it is with a view to refute him: and if at any time we are narrating, we are to take care not to lay too much stress upon any suspicious, criminal circumstances that may make against us, and we are to palliate whatever has this tendency; otherwise we may fall into the blunder of hurting our own cause, which Crassus says never happens but from design, and not ignorance: for the material part of the whole cause depends upon your laying down the subject, either cautiously or incautiously, because the narrative is the fountain of the whole

of the remaining speech. You are next to state the case; in doing which you are to have in view the point in dispute. You are then to form the strongest arguments you can to support your side of the question both by invalidating the reasoning of your antagonist, and establishing your own. For the confirming the argumentative part by evidence is a matter of singular importance in trials. But as you cannot confute your antagonist, without establishing your own allegations, nor can you establish your own without confuting his, these parts are joined both in their nature and utility. But all speeches are generally concluded with amplifications, in order either to exasperate or mollify the judge; and all the abilities of an orator, as in the exordium, so more especially in the conclusion of the speech, are to be exerted in giving the strongest impulse to the feelings of the judges in our own favour. And, to tell the truth, I can see no reason why we should make distinct heads of the rules relating to persuasion, and those relating to panegyric. For they are for the most part of common application, yet to debate either for or against any question, to me appears a very important character. For it belongs to the wise alone to deliver an opinion upon the highest matters; and it requires honesty and eloquence to foresee with understanding, to inforce with authority, and to prevail after debate.

CHAP.

CHAP. LXXXII.

But such particulars should assume less pomp in the senate; for the senate is an assembly of wise men, where many must have liberty to speak in their several turns, and where one should avoid all affectation of wit, and all ostentation of abilities. But a public assembly requires all the energy, the weight, and the colouring of eloquence. In the persuasive, therefore, the principal character is dignity. For he who aims at utility, never considers what the person who debates most wishes for, but sometimes what is in itself attainable. For there is not a man, especially in so noble a state as this, who does not think that dignity is the most desirable character. But interest generally gets the better, when a man is afraid that, if his interest is neglected, he shall be incapable of retaining his dignity. Men either disagree respecting the utility of a question, or if they agree in this, they deliberate whether they ought most to regard honesty, or interest? As these seem often incompatible with one another, the man who stands by his interest expatiates upon the advantages of peace, riches, power, money, revenues, safety, and a fine army, together with other advantages, which are computed by their utility; at the same time, he lays out the inconveniences of the contrary measures. The man who consults dignity will recount the examples of our ancestors,

who pursued glory, though attended with danger; he will display the immortal fame that we leave to posterity; he will maintain that the interest of his country arises from her honour, and is inseparable from her dignity. But in both these questions the points in dispute are; *what can be done, or cannot be done?* For all debate is at an end, if it is on all hands understood, that a measure is either absolutely impossible, or inevitably necessary; and the man who has proved this before the other members are sensible of it, must be allowed to see farther than the rest. But to have weight in debates of a political nature, the chief thing is, to be acquainted with the state of the public, and to know the manners and customs of your country: these, as they frequently change, occasion changes as frequent in the manner of speaking, and although the power of eloquence is generally the same, yet because the dignity of the people is the highest, the cause of our country the weightiest, the inclinations, and commotions of the many the strongest, all this seems to require a more grand and elevated manner of speaking: and the greatest part of the harangue must be applyed to the passions, either by way of encouragement, or commemoration, or they are to be worked upon by hopes, by fears, by desire, or by glory; they are often too to be reclaimed from rashness, resentment, hope, injury, hatred, and cruelty.

CHAP.

CHAP. LXXXIII.

It happens too, that as the assembly of the people is the highest scene in which an orator can display his powers, he feels a natural wish to speak with greater elegance. For the efficacy of speaking to vast numbers is such, that an orator, without being heard by numbers, can no more display his eloquence, than a musician can play without instruments. And because the humours of the populace are many and various, all shouts of disapprobation must be guarded against, whether raised by any blemish in the speech, in which somewhat may seem too vehement, too assuming, too mean, too sordid, or to have been dictated by a depraved heart; or it may proceed from the prejudice or the envy of men, which is either well grounded, or arising from calumny or report; or it may be occasioned by the disagreeableness of the subject, or by some impulse of their own hopes and fears. To these four diseases as many remedies may be applied. First, reproof, where there is authority: or instead of reproof, gentle admonition. A promise that the speaker will make good what he advances, if they will hear him: and then intreaties, which is the lowest kind, but sometimes useful. But there is no place where wit, quickness, and some smart saying, not without dignity, but with humour, have a better effect. For it is often easy to mitigate the

sorrows,

sorrows, and sometimes the keenest resentment of a popular assembly and that by a single word, when seasonably, shrewdly, and facetiously introduced.

CHAP. LXXXIV.

I HAVE now, as well as I could, almost got through my explanation of my usual practice in both kinds of causes, and of those particulars, which I both avoided and regarded, with the general method I observed in all causes. The third kind, namely, panegyric, which I at first objected to have appropriate rules, is not at all difficult; but as there are orations of various kinds, and those too of the greatest weight and eloquence, respecting which scarcely any teacher has laid down rules, because we do not make any great use of panegyric, I have laid aside this as a separate department. For the Greeks themselves wrote panegyrics rather with a view to be studied, to delight, or to celebrate some particular person, than with any regard to the practice of the bar, which is our immediate concern: such are the books in which Themistocles, Aristides, Agesilaus, Epaminondas, Philippus, Alexander, and others, are celebrated. As to our panegyrics, which we deliver in the forum, they have a plain, simple brevity in the character we give; for they are composed as funeral orations, to which the pomp of panegyric can by no means be

be adapted; though we sometimes make use in our speeches, and likewise sometimes compose such a style. Thus C. Lælius composed an oration for the uncle of Africanus, which was pronounced by P. Tubero; and that we also may be able to celebrate a person whom we value and love, by praising him, after the manner of the Greeks, we will discuss this department. It is plain then that in a man there are some things to be wished for, and some things to be praised. Birth, beauty, estate, strength, interest, riches, and other circumstances bestowed by fortune, either upon a man's situation in life, or his person, can in themselves communicate no true glory, nor can it be presumed that they are owing to virtue alone; but at the same time, as virtue is chiefly displayed in the right and moderate use of such circumstances, those blessings of nature and fortune fall within the province of panegyric, and that man merits the highest encomium, who possessed power without pride, riches without insolence, and the fulness of fortune without the arrogance of greatness: that his interest and wealth did not seem to support, or to feed his pride or ambition, but his benevolence and moderation; but virtue which is intrinsically valuable, without which nothing can have merit, has nevertheless subdivisions, in which each is more proper for panegyric than the other. For some virtues appear to consist in the manners of mankind, and in a certain affability and beneficence; others in the qualities of the mind, in the extent and vi-

gour

pour of the understanding. For clemency, justice, benevolence, honour, and fortitude amidst general calamities, are topics which administer delight in panegyrics: because all these virtues are considered not as so advantageous to the possessor as they are to society. Wisdom and magnanimity, which estimate all sublunary affairs as inconsiderable and trifling; fertility of invention, together with powers of eloquence, though they excite admiration, yet impart less pleasure to an audience; because they are qualities that reflect more lustre and dignity upon the subject of the panegyric, than upon the hearer; but in panegyrics these should always be joined with the virtues I have mentioned; for mankind love to hear both the pleasing and the agreeable in virtue praised, as well as the astonishing.

CHAP. LXXXV.

And seeing every virtue has its certain duty and province, as likewise a portion of honour that is alloted to itself; when justice is celebrated, you are to explain, what the person whom you are celebrating has done most in honour of this, or any other virtue. His actions in other respects should be described and classed under the head of that virtue, by the power of which they are characterised. But the most agreeable subject of panegyric is the praise of such great men, as undertake great things without any immediate advantage

tage or profit to themselves: but if, besides this, their actions have been attended with toil, and danger to their own persons, here is the finest field for panegyric, as such actions admit of most embellishments in expressing, and impart the greatest pleasure in hearing. In short, the distinguishing virtue of an extraordinary person is that which is beneficial to others, but painful, hazardous, or at least unprofitable to himself. It is likewise a great and a noble commendation, when a man can say he bore calamity with firmness; that he did not sink under misfortune; and that under every difficulty he maintained his dignity. But the possession of honours, the rewards assigned to courage, actions approved of by the general voice, are far from being incapable of ornament: here the panegyric turns upon ascribing all these actions to the justice of the immortal gods; for those things are to be noticed which are extraordinary in importance, unrivalled in their nature, or peculiarly excellent in kind; because whatever is trifling, common, or trite, are never thought subjects worthy of professed panegyric; for one circumstance that has the strongest effect there, is, the comparison you can run betwixt your subject and other eminent men. You will give me leave to speak a little more than I proposed upon this head, not that it can do us any service at the bar, which has been all my aim in this discourse, but to prove that, if panegyric fall within the province of an orator, as it undeniably does, there is an absolute necessity he

should be acquainted with virtue in all its branches, which are essential to command praise. It is now evident that the rules, with regard to disparaging, must be derived from vices opposite to these virtues; at the same time it will plainly follow, that as a worthy man cannot be celebrated with any propriety and elegance, without an acquaintance with the virtues, neither can a villain be branded, or lashed with sufficient keenness and severity, without an acquaintance with the vices. It likewise often falls in our way to make use of those topics in all kinds of causes. Thus you have my sentiments, as to the invention and disposition of the particulars in pleading. Let me add somewhat now upon memory, that I may ease Crassus of some fatigue, and leave him nothing more to discourse upon, but the means of embellishing the particulars I have mentioned.

CHAP. LXXXVI.

Go on, said Crassus, for it is with pleasure I now see you stripped of all the frippery of your disguise, and turn out a professed artist; it is likewise doing me a favour and a kindness, to leave but little for me to do. As to the portion I shall leave you, replies Antony, it shall be at your own option; for if you act upon honour, I leave you the whole; but if you shift it, take heed

heed how you are to satisfy the expectations of these gentlemen. But to return to my purpose, said he, I own I have not so great a genius as Themistocles had, as to chuse rather to forget than remember. And I heartily thank Simonides the Ceian, who is said to have been the first inventor of the art of memory; for they say, that as he was supping at Crannon in Thessaly, at the house of one Scopas, a man of fortune and quality, after he had repeated a copy of verses, which he had made upon him, where, in the usual practice of poets, there were a great many elegant encomiums on Castor and Pollux, that this great man was so unprincipled, as to say that he would give him but half what he had agreed for the verses, and that he might apply for the rest, if he pleased, to the sons of Tyndarus, who had an equal share of the praise. A little after, as the story goes, Simonides was called out to two young men who were at the gate very earnestly desiring to see him; it is said farther, he arose, went forth, and saw nobody; that in the mean time the room where Scopas was banquetting fell and buried him and his family in the ruins; when his relations came to bury them, they were so crushed that they could not distinguish one body from another, till Simonides, by recollecting the distinct places where each had reposed, is said to have pointed out the particular bodies, so that each might be buried. This incident is said to have suggested to him, that order best

enlightens the memory; therefore that they who employ this faculty of the understanding, ought to fix upon places, and imprint those circumstances in their minds, which they wish to retain in their memories: thus the order of places will preserve the order of facts, and the idea of things will mark the things themselves, and by this means places may serve for wax and ideas for characters.

CHAP. LXXXVII.

But to what purpose should I mention the advantage, the utility, and the force that memory imparts to an orator, to retain all that you have learned, all that has been suggested to your mind, in making yourself master of a cause? When every sentiment is imprinted on your understanding, when the whole pomp of language is there depictured, when you can hear either the person who informs you, or him on whose side you speak, in such a manner, as that he does not seem to pour his discourse into your ears, but rather to write it upon your understanding? Men of strong memory therefore are alone capable of knowing what, how far, and in what manner they are to speak, what they have answered to, and what remains: at the same time to mention a number of circumstances in other causes they formerly appeared in, and a number they have heard from others. Therefore I confess, indeed, that

that nature is the principal bestower of this gift, as she is of every thing I have been speaking of; but this whole art of speaking, or call it, if you will, an image, or resemblance of an art, has the efficacy; not indeed to beget or nourish such things as did not before exist in the understanding, but to nurse and strengthen those things of which we are already conscious and have the seeds in our mind. But there is scarce any man with so happy a memory, as to be able to retain the order of words and sentiments without arranging and affixing local ideas to circumstances; nor is there any memory so treacherous, as not to be in some measure assisted by such a practice and use. For Simonides, or whoever was the inventor of this, with a great deal of sagacity perceived that impressions communicated and stamped by the senses most easily adhered in the mind: now the most exquisite of all our senses is that of seeing; therefore he concluded, that those things which are either heard or conceived would be most surely retained in the mind, if they were communicated by the medium of the sight, since a certain conformity of form and figure, marks those objects which could not come under the cognizance of the sight, in such a manner, as that our visual faculties, as it were, comprehended what our intellectual cannot. But locality must still be understood to be affixed to these ideas and bodies, and indeed to all objects of seeing; for space is inseparably connected with the idea of a body. Not to be unnecessarily tedious upon a

well-known, self-evident matter, we must in short make use of local circumstances, which require to be various, clear, plain, and pretty nearly connected: but the ideas which serve as the intermediate agents, must be distinct and well marked, and such as may occur to and strike the mind with the greatest quickness. Practice communicates this faculty; from practice arises habit, together with the distinction, which is made by substituting synonymous words; or removed from particulars to generals; add to this, that the meaning conveyed by one word serves for a whole sentence, and this word marks out the local circumstances by the various ideas affixed to it: in the same manner as any skilful painter manages his light and shade.

CHAP. LXXXVIII.

But verbal memory, which is less necessary for our business, is distinguished by a greater variety of figures: for there are many words which, like the joints of the human body, connect the members of a discourse, and are entirely abstracted from all sensible ideas; yet we must affix some determinate qualities to those words, which we must always make use of. The memory of things is the business of a pleader: and that may be informed by well placed ideas affixed to the several objects, that we may retain sentiments by ideas, and order by places. Nor is it all true what

is

is given out by the indolent, that memory is overloaded with ideas, and that this variety throws a cloud even upon the natural faculty which we might otherwise exert. For I have seen the greatest men, men endowed with an almost divine memory; at Athens, Charneades; and Metrodorus of Scepsis in Asia, who I hear is still living; and both these said, that they used ideas upon those places, which they wanted to retain on their memories, in the same manner as one does characters upon wax. Therefore memory can never be created by this practice, where nature does not co-operate; but if nature has implanted, it is certain that it may by this means be called forth. I have now finished this long, I wish I could say this modest dissertation: I may at least venture to say the author is not over diffident, when he has ventured, to throw out so much upon the subject of eloquence in the hearing, Catulus, of you and L. Crassus: as for these young gentlemen, I am perhaps under the less concern, because they are but young; but I hope you will pardon me, from a consideration of the motive that prompted me to this unusal loquacity.

CHAP. LXXXIX.

As to us, says Catulus, for so much I will say both for my brother and myself, we not only forgive you, but owe you both love and gratitude for

what you have done, and it is impossible to acknowledge your politeness and good-nature, without admiring the extent of your knowledge. One thing I think I have compassed by this conversation, which is, that I am now delivered from a great mistake, and shall no longer wonder, with many others, how it came that in all causes you acquitted yourself with divine skill. For I did not think that you had so much as a smattering in the knowledge of which I perceive you are a complete master, which you have gathered from all hands, and as practice has been your instructor, I perceive at the same time that you have partly reformed, and partly confirmed that of others. This does not at all detract from the high opinion I have of your eloquence, and far less of your virtue and application: at the same time I am glad that my own judgment has been confirmed, since I have always laid it down as a maxim, that no man can attain the character of good sense and eloquence, without great study, application, and learning. But what did you mean by saying that you hoped we would pardon you, if we reflected upon the motives that drew you into this discourse? What could these motives be, but your willingness to oblige us, and to satisfy the curiosity of these young gentlemen, who heard you with the greatest attention? To this, he replies, I wanted to deprive Crassus of all excuse; for I knew that he was a little either too diffident or too unwilling, for I will not call it pride in so amiable a man, to engage in this kind

kind of discourse? For what plea could he urge? That he is a man of consular and censorial authority? So are we. Was he to tell us that he has years on his side? He is four years younger than we are. Could he pretend that he was ignorant of matters which I accumulated, I acknowledge, but late and cursorily, and in my leisure hours? whereas he, from his childhood, has given the greatest application to them, under the greatest masters. Not to mention his genius, in which he is unrivalled. For no man can hear me speak, however humble the opinion he has of himself, without hoping he can either speak better, or as well: but when Crassus is speaking, no man has the arrogance so much as to imagine he ever can come up to him. Therefore, Crassus, that gentleman of their quality may not be disappointed in coming here, let us at last hear you.

CHAP. XC.

To this the other replies, admitting what you have said to be the case, as it is far from being so, what have you this day left for me, or for any other to add upon this subject? For, my dearest friends, I will speak from my heart. Often have I heard learned men—yet not *often*, as I came but a boy into the forum, from whence I was never absent longer than when I was a quæstor:—*sometimes*, however I have heard learned men, as I told you yesterday, at Athens, and when I was in Asia,

Asia, I also attended the celebrated Metrodorus of Scepsis, lecturing upon these very subjects; but not one of them, to my thinking, had so much command, so much acuteness in this manner of speaking, as Antony has this day displayed: were it otherwise, and did I think he had omitted any thing, I should not be guilty of so much incivility, nay rudeness, as to be backward in a point in which I am sensible you wish to be informed. Says Sulpicius; but, Crassus, have you forgot that Antony, divided the subject in such a manner with you, that he took upon himself to explain the mechanic part of an orator's business, but left all the distinguishing and embellishing part to you. In the first place, replies Crassus, who gave Antony leave, both to make this division, and then to have his choice of the parts? In the next place, if I understood him rightly, while I was hearing him with a great deal of pleasure, it appeared to me that he spoke jointly upon both subjects. But, says Cotta, he did not touch upon the ornaments of language, or that excellence from which eloquence has derived its very name. So, replies Crassus, Antony has taken the substance to himself, and left the name to me. If he has left the most difficult part to you, says Cæsar, we have the better reason for desiring to hear you; if the easiest, you have the less reason to deny us. Did not you, says Crassus, promise, that if we would pass this day at your house you would indulge us? Will a gentleman make so slight of his word of

honour?

honour? This made Cotta laugh. Indeed Crassus, said he, we would let you have your own way, but take care that Catulus does not make this a matter of conscience: this comes under the cognizance of a censor, and let me advise you to take heed how you do any thing unbecoming a person of censorial authority. Do as you will, replies Crassus, but I am of opinion that it is now time to rise and repose: in the afternoon, if it be agreeable to you, I will talk over some things; unless, perhaps, you chuse to defer it till to-morrow. The company immediately told him, that it was in his option, either to do it immediately, or in the afternoon; but they intimated, that the sooner he performed his promise, it would be the more agreeable to them.

END OF THE SECOND BOOK.

M. TULLIUS CICERO

ON THE

CHARACTER OF AN ORATOR.

THE THIRD CONFERENCE.

CHAP. I.

WHILE I was proposing, brother Quintus, in this third book, to relate that discourse which Crassus made, when Antony had finished his dissertation, the remembrance of a very bitter affliction awakened the anguish and disquietude of my mind; for the divine, the accomplished, the virtuous Crassus, died suddenly the tenth day after the conversation mentioned in this and the former book passed. For after he had returned to Rome, the last day of the public games, he was strongly affected with a speech in the assembly of the people, in which he was told that Philip had said, *That some other counsel besides that of the senate was now to be adopted, as, with such a senate he could not direct the affairs of the commonwealth.* In the morning of the ides of September, Crassus, in a full house of the senate, assembled at the summons of Drusus, poured forth a great many complaints against Philip, and laid

before the members the matter for which the other had inveighed against their order before the assembly of the people. A circumstance here happened to Crassus, which I have often known to be incidental to men of consummate abilities; for though it was generally allowed, that when he spoke with more than ordinary accuracy, he never spoke better; yet it was on all hands agreed, on that day, that though Crassus had before excelled the rest of the world, on that occasion he surpassed himself. He bewailed the calamity, and the destitute condition of the senate; an order of which the consul ought to be the indulgent parent, and the faithful guardian; but that now their hereditary dignity was plundered by a consul, with all the rapaciousness of a lawless ruffian: and it was not at all to be wondered at, if, after dishonouring his country by his counsels, he should now make a separation between it and the authority of the senate. When he had thus, as it were, with words of fire, assailed Philip, a violent man, and an able speaker, and one who had a spirit remarkably daring, the other could not bear it, but took flames, and determined to force Crassus into compliance, by confiscating his goods. It was upon this head, that Crassus was said to have spoken so divinely, by maintaining, *That since the adversary would not treat him as a senator, neither ought he to be regarded as a consul. Do you,* continues he, *who have looked upon the authority*

thority of this order as no other than as a venal pledge,[1] *which you have put up to sale in the sight of the people of Rome, imagine, that I am to be terrified by the confiscation of my property? No; would you restrain Crassus, it must not be by forfeiting these; you must first cut out my tongue; and even when that is gone, my soul shall, with the spirit of liberty, quell the lust of thy ambition.*

CHAP. II.

It appears that this was followed by a great number of expressions, in which were exerted the utmost efforts of mind, genius, and strength; it was then the famous sentiment fell from him, and was followed by the applauses of the whole body, in the most magnificent and weighty terms; THAT THE ROMAN PEOPLE MIGHT HAVE JUSTICE DONE THEM, NEITHER THE COUNSELS, OR THE DUTY OF THE SENATE HAD BEEN WANTING TO THE REPUBLIC; and it appears by the public registers, that he himself was present when the act was engrossed. The speech and the voice of this divine person, were like those of the swan; and so fascinating was the harmony which charmed our ears, that after his

[1] The goods of a citizen, seized and put to sale by a magistrate, were called *pignora pledges*, i. e. securities for the fine imposed upon him. When taken away for sale, they were said to be *cæsa*.

his death we frequently repaired to the senate-house to view that spot where he had last stood. For I was informed that his exertion in that speech occasioned a stitch in his side, followed by excessive sweating; this brought on a shivering, which obliged him to return home in a fever, where he died the seventh day of his illness. How deceitful are the hopes of man! how frail our fortune! and how trifling our pursuits! often are they interrupted, often are they ruined in the middle of their career, and wrecked in the voyage before we can come in sight of the harbour. For while the life of Crassus was confined to the toils of *ambition*, so long was he eminent, more for the duties of private friendship, and the excellency of his personal accomplishments, than the distinctions of public applause, the privileges of grandeur, or his figure in the government. But the very first year after he had opened his way, by going through the public honours with universal applause, to the highest distinction his country could bestow, death cut short all his purposes, and all the schemes of his life. This was a stroke mournful to his friends, afflicting to his country, and heavy to all worthy patriots: but the calamities which soon after happened to the state, were such, that to me it appears, the gods cannot be so properly said to have deprived L. Crassus of life, as to have rewarded him with death. For he did not live to see all Italy involved in the flames of war, the senate burning with animosities, the treachery of the greatest men of the

the state, the affliction of his daughter, the exile of his son-in-law, the mournful flight of C. Marius, nor that universal slaughter after his return, nor, in short, the general desolation of a city, in which, during its greatest glory, he made by far the greatest figure.

CHAP. III.

But as my reflections have led me to touch upon the power and the inconstancy of fortune, I will no longer indulge the digression, but confine myself to the persons who are the original subjects of the conversation we are now entered upon. Who then will not be justified in calling the death of Lucius Crassus a blessing to himself, though it was much bewailed by the public, when he shall reflect upon the fates of those who conversed with him, almost in his last moments. For we ourselves remember, that Quintus Catulus, a man of consummate excellence, when he implored, not the safety of his fortunes, but a retreat in exile, was reduced to put an end to his life. Then it was that the head of M. Antony, who had saved the head of many a citizen, was fixed upon the rostrum, from which, when consul, he had with the greatest firmness defended his country; and which, when censor, he had adorned with imperial spoils. Not far from that lay the head of C Julius, who was betrayed by his Tuscan landlord, together with that of his brother, L. Julius,

Julius: therefore Crassus, who did not live to behold those calamities, may be said to have lived and died with the republic. For *he* did not see his generous kinsman P. Crassus slain by his own hand, nor the statue of Vesta besprinkled with the blood of his colleague the high priest; nor could a patriot like him have refused to drop a tear at the tragical death of C. Carbo, who was his greatest enemy, and died the same day: *he* did not live to see the deplorable, the terrible ends of those two young gentlemen who had devoted themselves to him. C. Cotta, whom he had left in the fairest hopes of success, a few days after the death of Crassus, was invidiously deposed from the tribuneship, and a few months after driven from the city. But Sulpicius, who had been exposed to the same burning hatred, when he came to be tribune, resolved to strip of all their dignity, those men with whom, as a private gentleman, he had lived in the strictest friendship: yet the thread of his life, which was then blooming to all the glory that eloquence can bestow, was cut off by the sword, and the chastisement of his rashness went hand in hand with the ruin of his country. Therefore, Crassus, well may I conclude that heaven watched over you with peculiar providence, by making your life glorious, and your death timely. For the virtues of thy soul, the constancy of thy principles, must have exposed you to the cruelty of party-resentment; nor could fortune have saved you from the bitterness of death, without your

living to see the funeral of your country. And not only the power of the factious, but even the success of the patriots, as stained with Roman blood, must have heightened your affliction.

CHAP. IV.

THE misfortunes of the patriots I have already mentioned, and the incidents which I myself have experienced, for the wonderful, the unparalleled affection I bear to my country, all serve to convince me of the truth and solidity of your maxim, when you was continually calling me off from all dispute and altercation; and pointed out, as examples to deter me, the numerous, the great, and the sudden falls of the best and most celebrated men. But as the practice of these maxims is not now in our power, as our greatest toils are alleviated by the compensation of glory, let us proceed to enjoy those comforts which not only are agreeable, when our disquietudes are allayed, but may be salutary, even while they are felt. And to this purpose, let me record the remaining, and almost the last discourse of L. Crassus; and thus communicate to him a glory, which, though not adequate to his merit, yet is due from my gratitude. For none of us, when we read the excellent books of Plato, in which Socrates is generally introduced, though written with a divine spirit, ever conceive any higher opinion of Socrates.

Socrates. This is all the favour I beg, not of you, who are apt to attribute to me all excellencies; but of my other readers, that they will conceive a higher idea of L. Crassus, than any that can be expressed by my pen. For I, who was not present at that conversation, the topics and sentiments only of which were communicated to me by C. Cotta, know that both these orators were masters in this way; and I have endeavoured to give a sketch of it, by keeping up to their several characters. But if any man should be deceived by a vulgar error, that Antony was more barren, or Crassus more exuberant, than they have been drawn by me, he must have either never heard them, or is unable to judge. For both of them, as I said before, excelled all their contemporaries in application, genius, and learning, and so perfect were they in their respective methods, that no embellishment of speech was wanting in Antony, nor redundancy perceived in Crassus.

CHAP. V.

The company therefore breaking up before the heat of the day, went to take a short repose, and Cotta said he took particular notice that Crassus passed all that time in an intense, profound meditation. He said farther, that, as he was very well acquainted, (by having often observed it in the most weighty causes) with the cast of fea-

tures and looks natural to Crassus before he began to speak, upon this occasion he was careful not to disturb Crassus, as he lay on his couch in the parlour, while others were at rest; and, finding him buried in thought, he immediately retired; and that almost two hours were spent in this stillness: As the afternoon drew on, all of them came in to Crassus; when, says Julius, shall we take our seats, Crassus? We are not now come to beg a favour, but to lay a claim. Says Crassus, do you suppose me guilty of so much assurance, as any longer to withhold a debt of this kind? Then, replies the other, name your place. What do you think of the middle of the wood, for there it is most cool and shadowy? With all my heart, replies Crassus; there is a seat not at all unsuitable for our conversation. When the rest of the company agreed to this, they went to the wood, where they took their seats, in the highest expectation of what they should hear. Then Crassus began. Both your authority, says he, and friendship, joined to the compliance of Antony, has deprived me of all liberty to deny your request, a liberty which I might well justify. But when he made the partition of the shares we are to bear in this disputation, he took to himself the subjects upon which an orator must speak, and left it to me to explain the manner in which they are to be embellished: by this partition he divided things that are in their own nature inseparable; for as every speech is made up of *things* and *words*, *words* can have

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no place if you take away *things*, nor can *things* be explained without the help of *words*. And to me the ancients appeared to have more comprehensive ideas and views, than our intellectual faculties can take in; for they maintained, that all these things which are above and below, form one system, bound together by one power, and subservient to the same predominating will of nature. For there is not any one kind, which, when severed from the others, can exist of itself; while others, if deprived of any one kind, are unable to preserve their being and duration.

CHAP. VI.

But if this system is too extensive to be comprehended by human sense and reflection, at the same time, the maxim of Plato, with which, Catulus, you are not unacquainted, is founded on truth; that all knowledge of the liberal and polite arts is connected by a simple, mutual relation. For when we are capable to perceive the force of that reasoning, by which we become master of causes and events, we find a wonderful harmony and sympathy running through every species of knowledge. But if this is too sublime for the comprehension of us groveling mortals, yet it must be at least allowed, that we ought to know and possess ourselves of that business which we have embraced, which we profess and undertake. For, as I said yesterday, and as

Antony intimated in some passages of his discourse this forenoon, eloquence, in whatever channels, into whatever quarters of disputations it may be diffused, is in its own nature *uniform.* For, whether she treats of the nature of heaven or of earth; of divine or of human powers; whether she speaks in an inferior, equal, or superior capacity; whether she directs her powers to impel, to instruct, to deter, to excite, to bend, to fire, or to mollify mankind; whether she addresses the many or the few; whether she speaks among strangers, or to friends, or to herself, yet her speech is still derived from one source, however it may proceed in distinct streams; and however she directs her course, her furniture and embellishments are the same. But as we are assailed by contrary opinions, not only from the vulgar, but even from the smatterers in learning, who find it easier to handle those points, after they are torn, and, as it were, separated from one another, which they are unable to comprehend in a general view; and who sever words from sentiments, which is, as it were, separating the body from the soul, and producing immediate death, I will not undertake to discuss, in what I am going to say, more than I am obliged to do; but only intimate, in a few words, that the ornaments of expression can no more be attained without inventing and arranging sentiments, than a sentiment can be intelligible without the lustre of expression. But before I touch upon these qualities, which I think embellish and enlighten

lighten a speech, I will in a few words give you my opinion of eloquence in general.

CHAP. VII.

It appears to me, that every natural sense possesses many properties specifically differing from others, yet all sharing an equal degree of excellence. For we hear a great many sounds, which, though very agreeable, yet they are so often different from one another, that the last always pleases most; and the pleasures of seeing are almost innumerable; but they affect us so, that the same sense receives the pleasure in a different manner. In like manner, a different pleasure affects each of our other senses, so that it is hard to judge which sensation is predominant. This observation, drawn from nature, is applicable to arts. Statuary is ONE art, and the masters in that profession were Myro, Polycletus, Lysippus; yet each of these were unlike to the other, yet you would not wish any one of them to be unlike himself. Painting is *one* art, and proposes *one* end, but Zeuxis, Aglaophon, and Apelles, had each of them a different style, yet you could not say that any one of them fell short in any one point of his art. And if this is an astonishing proof in the mute arts, how much more wonderful must its effects be in speech and language? For though eloquence may make use of the same sentiments and words, yet her modes are vastly different.

ferent; not that any of them are despicable, but those who are evidently excellent, derive that excellence from different characters. This is chiefly exemplified in poets, who have the nearest relation to orators: how different are Ennius, Pacuvius, Accius? What a difference runs through the writings of Æschylus, Sophocles, and Euripides among the Greeks, yet the merit of each is almost equal to that of the other, though the manner is different? Let us now take a view and a survey of the professors of that art we are now discussing, and observe the difference in the manners and characters of orators. The characteristic of Isocrates was *sweetness;* of Lysias, *delicacy*; of Hyperides, *pointedness;* of Æschines, *pomp;* of Demosthenes, *energy*. Each was excellent, yet the excellence of each was peculiar to himself. Africanus had *weight;* Lælius, *smoothness;* Galba, *keenness;* and Carbo somewhat that was *flowing* and *musical*. Each of these was a leading man in his own age, yet each was distinguished by a character peculiar to himself.

CHAP. VIII.

But why do I recur to old examples, when I have so many alive, and under my eye; was ever any discourse more captivating than what we heard from Catulus? So pure was it, that he seems almost the only man who uses with propriety,

priety the Latin tongue; yet its gravity was such, as to unite elegance and refinement with matchless dignity. In short, the judgment I used to form of him, when I heard him speak, is, that if you either add, change, or impair aught of what he says, he must lose and suffer. What is the character of our friend Cæsar here? Has he not introduced a new method of speaking, and brought in a species of eloquence that is almost peculiar to himself? Who besides him ever treated tragical subjects almost in a comical manner, grave ones with gaiety, serious ones merrily, and matters of law with an almost theatrical gracefulness? And all this in such a manner, as that wit is not excluded by the importance of the subject, nor is its weight lessened by his humour. Here are two young gentlemen nearly equal in age, I mean Sulpicius and Cotta, yet no two things were ever more unlike, than they are to each other. Was ever any thing more excellent in its own kind? The one, in a polite, delicate manner, sets forth his subject in well-chosen, proper expressions; he still keeps to his point; and as he sees with the greatest penetration that which he is to prove to the court, he directs the whole strength of his reasoning and eloquence to support that, without regarding other arguments. But Sulpicius, with irresistible energy, with a full, strong voice, with the greatest vehemence and dignity of action, at the same time with so much weight, and variety of expression, seems of all mankind the best fitted by nature for eloquence.

CHAP.

CHAP. IX.

I now return to ourselves, because the general opinion of the public has always matched us together in eloquence; no two people were ever more unlike one another, than I am to Antony in speaking: he is so excellent an orator, as never to be excelled in his own kind; and I, who think humbly of myself, (for that reason principally) am compared with him. You know in what consists the distinguishing excellence of Antony. It is nervous, empassioned, animated with action, guarded and fortified on all hands, keen, cutting, perspicuous, retreating with honour, pursuing with resolution, terrifying, supplicating, his eloquence greatly diversified, our ears never satiated. As to my eloquence, such as it is, for you seem to allow it some degree of merit, it is surely very different from that of Antony: what it is it becomes not me to say, because a man is generally the greatest stranger to himself, and the least acquainted with his own character; yet still a difference is discernible, both in the coolness of my action, and from my finishing my speeches generally in the same spot of ground in which I set out; and because I am put to some more trouble in the choice of my words and sentiments than he is, as he is afraid, that if his eloquence is in the least obscure, it may not answer the great expectation, and profound silence it creates. But

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if there is such difference betwixt us who are present, and if each has his own characteristic, and the excellent are distinguished from the faulty, rather by the degrees of personal abilities than the kinds, and every thing that is in its own kind excellent is commended, what should one say if he were able to take within his view all the orators now alive, or that ever lived, in any country? Would he not pronounce that every one of these orators had a style of eloquence peculiar to himself? From what I have said perhaps it may be objected, that if the modes and styles of eloquence are almost innumerable, yet specifically different, and generally excellent, that their characteristical differences cannot be regulated by the same precepts. But it is not so; for those who instruct others ought to pay particular attention to that bias, with which nature has severally impressed the minds of men. For we perceive, that in the arts, the same schools, as it were, furnish, and the same artists and masters form, scholars in their respective arts, very dissimilar, yet all of them excellent in their kind; therefore the teacher must accommodate his manner to their several capacities. The most remarkable instance of this, that I may confine myself to the art of eloquence, is what was said by the incomparable Isocrates, *that Ephorus required a spur, and Theopompus a rein;* for he checked the one, who was too bold in the use of language, and he stimulated the other, who was hesitating and timid in his nature. At the same time he did not ren-

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der them similar, but what he added to the one, he subtracted from the other, so as to impart to both all the excellence which their respective nature would admit.

CHAP. X.

I THOUGHT proper to premise thus much, lest all that I propose should not be adapted to your several studies, and to that mode of speaking which each possesses, that you may be sensible I only express myself upon that species of eloquence which is most suited to my own manner. Therefore the particulars that have been laid out by Antony, are not only to be observed in the practice, but in a special manner to be expressed in the eloquence, of an orator. And what manner of speaking (for I shall afterwards touch upon action) is preferable to a style that is correct, perspicuous, graceful, and suited to the business we have in hand. But I imagine you do not expect that I am to give you any account of the two first particulars I have mentioned, I mean that of a pure, perspicuous style. For, as we do not attempt to teach eloquence to those who do not yet know the use of speech, so ought we not to expect, that he who is ignorant of Latin, should know how to speak it with elegance; for it is impossible that we should admire what we do not understand. Therefore let us omit those particulars, the knowledge of which is easy. but the

the application necessary; for the one is delivered in a scholastic way, and learned by school-boys; the other is used to render what one says more intelligible: This is a point, which, though absolutely necessary, yet appears of all others the least important. But the most perfect model of eloquence, while it is polished by knowledge, is also improved by reading the works of orators and poets. For the ancient authors, though they were incapable of embellishing what they delivered, yet they generally spoke very nobly, and the man who accustoms himself to their style, however careless of his diction, cannot speak otherwise than in a pure language. At the same time, we are, by no means to make use of expressions, not sanctioned by the present age; but only, as I shall shew afterwards, when they are sparingly introduced by way of ornament. But whoever has, with attention, perused the writings of the ancients, will still make use of well-known expressions; and, amongst these, will know how to speak the choicest.

CHAP. XI.

But in order to speak purely, we must take care not only to use terms that are unexceptionable in point of grammar, and to attend to propriety in cases, tenses, genders, and numbers, so that no expression may be confused, incongruous, or preposterous; but we must even regulate our tongue,

tongue, our breath, and the very tone of our voice. I would not have the letters expressed in a slovenly and indistinct manner; I would have every word pronounced not in a spiritless phlegmatic tone, nor yet with a pompous inflated breath. I now speak of the voice, not as it is connected with action, but with language; for there are certain faults which every man would wish to avoid: such as a weak effeminate voice, or one excessively harsh and inharmonious: but there is a fault which some affect: for some people love a clownish country tone, because the language sounds antique; like, Catulus, your companion L. Cotta, who seemed to pride in the uncouthness of his expression, and the clownishness of his tone, and thought whatever he spoke appeared antique, if it had the air of rusticity. For my part I am charmed with the smoothness of your delivery. Not to speak of the principal point, which is expression: this, however, is dictated by reason, acquired by instruction, and confirmed by habit in reading and speaking. What I now mention, regards only the sweetness of sound, which amongst the Greeks was peculiar to Athens, and amongst the Latins is peculiar to this city. The learning of the Athenians, has long since expired in Athens, and only the seat of study remains, which is neglected by the inhabitants, and enjoyed by foreigners who are attracted by the celebrity of that city. Yet any ignorant Athenian speaks more agreeably than the most learned of the Asiaticks: I do not mean

with regard to the language, but the pronunciation; not because he speaks better, but with greater ease. The Latins apply more to learning than the citizens of Rome; yet the most illiterate within our knowledge, far excels in smoothness of delivery, and sweetness of tone, Q. Valerius Soranus, the most learned of all the Romans.

CHAP. XII.

Since, therefore, there is a manner of pronunciation peculiar to Romans, and to this city; a manner in which nothing can offend you, nothing can disgust, nothing can displease you; a manner in which there is nothing uncouth, nothing foreign, let us follow that, and learn to avoid, not a clownish roughness only, but likewise a foreign articulation. For my part, when I hear my mother-in-law Lælia (for it is easier for women to preserve uncorrupted the pronunciation of antiquity, because, by keeping less company than men, they always adhere to what they first learned) I think that I am conversing with Plautus or Nævius: So simple, so unaffected is her tone, that she appears quite void of pedantry or affectation; thence I conclude that her father spoke in the same manner; that he again spoke in the same manner with his forefathers: and I infer from this, that our ancestors did not talk in a rough manner like the person above mentioned, nor yet in a turgid, nor in a rustic, nor in a clownish way,

way, but with compressed, even, and gentle elocution. Therefore, Sulpicius, when you imitate our friend Cotta, sometimes by dropping the *I*, and sounding *E* roundly, you do not, in my eyes, resemble an ancient orator, but a modern peasant. When Sulpicius himself could not help laughing at this: I treat you in this manner, says Crassus, that since you would force me to speak, you may hear some of your own faults. We are obliged to you, replies the other, it is the very thing we wished for, and if you will extend your complaisance, I make no doubt of your being able to amend many of my defects before we part. Ay, but says Crassus, it is impossible Sulpicius for me to blame you without reflecting on myself, since Antony has complimented me with being very like you. But, replies Sulpicius, he told us, at the same time, that we ought to imitate the beauties of our original; therefore, I am afraid that I imitate you in nothing but the stamp of your foot, a few expressions, and a little gesture. Therefore, answers Crassus, I do not find fault with the properties you borrowed from me, lest I should by that means reflect upon myself: but I have many faults of a more serious nature than those you have mentioned. But as to those which are originally your own, or those acquired by imitating another, I will give you my advice, wherever I can do it properly.

CHAP.

CHAP. XIII.

LET us, therefore, pass over the rules of speaking with purity, which we learn at school, and which are confirmed by more refined knowledge and taste, by the daily habits of conversation, by acquaintance with modern books and reading ancient orators and poets. Nor shall I continue long in discussing the means of perspicuity in what we deliver; for that is effected by using plain common terms, expressive of the matters which we want to communicate, without any ambiguity, without too long periods, without forced metaphors, or far-fetched allusions, without any incongruity in sentiment, without any confusion in regard to time, without any confusion of persons, without any violation of order: But need I add any more? The whole matter is so easy, that it is surprising to me that the advocate should speak more unintelligibly to the judge, than the client does to the advocate. For when our clients come to consult us, they generally lay their business so plainly before us, that one could not desire to have a clearer view of the case; but as soon as Fusius, or the favourite Pomponius, begins to talk over the same matter, I own it requires all my attention to make me understand them as well, for all they say is a confused mass, without method, and without distinctness; their words being so obscure, that

their pleading, instead of enlightening the subject, as it ought to do, throws over the whole a gloom and a darkness, in such a manner, that at every other turn they confound themselves. But as I hope you have all of you, especially Antony and Catulus, heard enough of observations which are tedious and puerile, I will, with your approbation, pass to something else, which perhaps is still somewhat more disagreeable.

CHAP. XIV.

You perceive, says Antony, no doubt, that our attention is wandering, that we hear you with reluctance, since we could be brought to suspend all our business (for I judge of others by myself) to follow you; so well qualified are you to give neatness to mean, copiousness to dry, and novelty to common subjects, by your manner of treating them. That, Antony, replies he, is, because the two parts I just now touched, or rather skimmed over, I mean that of speaking in a pure diction, and a perspicuous manner, are very easy. The parts that remain are important, intricate, various and weighty, requiring, in an admirable degree, the united powers of genius and eloquence. Propriety of diction never makes an orator admired, though his speaking improperly makes him ridiculous. And people, so far from thinking him an orator, do not think him a rational being. A man can never expect

expect to be praised for speaking intelligibly to an audience, but he must expect to be despised if he does otherwise. Where is the man whose eloquence can strike an audience with terror, amazement, and ecstasy? Whom do men consider, if I may use the expression, as a god on earth? It is he who, with method, distinctness, copiousness, and perspicuity, knows how to treat both things and words, and who forms his periods with certain rhythm and harmony, in which, in my opinion, *gracefulness* consists. He who knows how to treat things and persons suitable to their different characters, excels in what I call *propriety* and *congruity*. Antony, who denied he had ever seen a man who came up to this character, said, that such a man alone could deserve the praise of eloquence. You have, therefore, my authority for treating with a just contempt and disdain, all those who imagine they have attained the whole power of eloquence, from the rules of those whom we now term Rhetoricians, and who are unable to understand either their own character or profession. For, as to an orator, all the accidents and occurrences of human life, ought to be by him examined, heard, read, discussed, handled, and managed, because human life is the scene of all his action, and the subject of all his eloquence. For eloquence is, as it were, the highest of the human faculties. Though all virtues in their own nature are equally excellent, yet some of them are specifically more beautiful and striking: for in-

stance, this power, which by comprehending an universal knowledge, can so explain the affections and sentiments of the mind, as to sway the hearer at pleasure. The greater this power is, the more strongly does it require to be supported by probity, and the greatest good sense. For a bad man possessing eloquence, never can be called an orator; it being like putting arms into the hands of a madman.

CHAP. XV.

I REPEAT it; this ability in conception and expression, this energy of eloquence, was by the ancient Greeks termed *wisdom;* hence arose their Lycurgi, their Pittaci, their Solons; and parallel to them were our Coruncanii, Fabricii, Catones, and Scipios, who, perhaps, had not so many acquired endowments, but were equal in the strength of genius, and similar in their inclinations. The good sense of others directed them to pursue the same studies in ease and retirement, though with different views of life. For instance, Pythagoras, Democritus, Anaxagoras, who called off their attention from the affairs of civil polity to subjects of private contemplation, (a manner of life which is bewitching to more people than is consistent with the welfare of public concerns, on account of its tranquillity and delightful knowledge) than which nothing can be more alluring to a rational being,

being. Therefore, as men of the greatest natural understanding have dedicated themselves to this study, those of the greatest acquired abilities, blessed with excess of ease and fertility of imagination, invited by the advantages of leisure and retirement, have thought themselves obliged to take care of, to examine, and to investigate a greater number of things than were necessary; for formerly this study was adapted to be the rule both of our lives and speaking; the same teachers taught both. Thus, Phœnix, in Homer, says, he was ordered to attend Achilles in the war, by his father Peleus, that he might teach the young man both how to speak and how to act. But as people who are accustomed to constant and daily labour, when bad weather hinders them from their work, betake themselves to the ball, to the dice, or to the draughts; or even invent some new diversion for themselves in their leisure hours; thus, those persons, when retired from public business, looked upon themselves as secluded from their labours, or indulging themselves in a recess from business, gave themselves entirely up, some of them to the poets, some of them to the mathematics, and others to music; and others, such as the logicians, invented a new study and amusement for themselves, and thus consumed their whole time and their life upon those arts which are already discovered, in order to form the minds of boys to good breeding and virtue.

CHAP. XVI.

BUT, as there have been some, and those not a few, who have either made a figure in the Republic, by the united, and, indeed, inseparable excellencies, of acting and speaking, such as Themistocles, Pericles, Theramenes, and others, who have appeared less in public affairs, yet have professed to teach the same kind of philosophy; such as Gorgias, Thrasymachus, Isocrates, there have been others who, though possessing learning and genius, were, in their inclinations, so averse to civil life and public business, that they have exploded and despised the practice of speaking. Socrates, who by the concurrent testimony of the learned, and the judgment of all Greece, undoubtedly excelled the rest of the world in good sense, quickness, gracefulness, delicacy, especially in eloquence, in variety and copiousness of expression upon every subject that he took in hand, was the principal person of that character. They who treated of, handled, and taught those points which we are now examining, deprived them of their common name; for till that time all the knowledge and practice of virtue was termed philosophy; but Socrates, in his discourses, made a distinction between the knowledge of thinking justly, and speaking with propriety, though they are in reality inseparable. Plato hath immortalized the genius, and different discourses

discourses of Socrates, though Socrates himself did not leave one line in writing. Hence arose a distinction, without any difference, betwixt the tongue and the understanding, a distinction which is entirely absurd, useless, and blameable; so that certain persons professed to teach some people to be wise, and others to be eloquent. For, as they all arose from Socrates, whose discourses were so various, different, and universally diffused, that each learned somewhat that was different from the other: hence, sects of philosophers were propagated, widely differing among themselves, and vastly unconnected with, and unlike one another; yet all of them affected to be called, and thought themselves the disciples of Socrates.

CHAP. XVII.

For, in the first place, Aristotle and Xenocrates were the immediate scholars of Plato; the one of which was the founder of the Peripatetics, the other of the Academics. Then, from Antisthenes, who admired chiefly the patience and abstemiousness of Socrates, in his discourses, arose first the Cynics, and then the Stoics. Next from Aristippus, who was charmed with the sensual part of Socrates's discourses, the sect of the Cyrenians flowed, whose doctrines he and his successors maintained, without any disguise. But as to those who now place their chief hap-

piness in sensual enjoyments, by affecting to act with the greatest modesty, they neither consult that decency of character, which they are far from despising, nor prove the reasonableness of those pleasures which they wish to enjoy. There were also other sects of philosophers, who generally professed themselves to be the followers of Socrates; such as the Eretrici, the Herillii, the Megarici, the Pyrrhonists; but all these have been long crushed and extinct, by the force and the disputations of the others. But, of those sects that remain, although that which has adopted pleasure to be the sole end of living, may appear with the greatest face of truth to some, yet it is vastly unsuitable to the person we are now in search of, who ought to preside in public councils, who ought to be the first man in a government, and whose sentiments and eloquence ought to be chiefly followed in the senate, before the people, and in all public pleadings. Let us, however, respect that system of philosophy, nor withhold from its professors that end which they aim at. Permit them to repose in their own bowers, or where they please; let them loll amidst ease and delicacy; let them dissuade us from following the rostra, the courts, the senate; perhaps in such a government as we now live under, they may be in the right. But at present I do not examine what philosophy is the truest, but what is most suitable to the character of an orator; therefore let us take our leave of them without insulting them; for they are well-meaning

ing men; and since they think themselves so, they are happy. I shall only take the liberty to put them in mind, that one of their greatest, truest maxims, should be reserved, and, as it were, concealed as a mystery; I mean their denying that a wise man ought to have any concern in public business; for if they could succeed so far as to persuade us, and other true patriots of this, it were impossible they could enjoy their beloved tranquillity.

CHAP. XVIII.

As to the stoics, though I am far from condemning them, yet I dismiss them without any apprehension of their resenting it, because they are absolutely void of all resentment: at the same time we are so far indebted to them, as that they are the only sect who admit that eloquence is virtue and wisdom. But their conceptions of both are widely different from the purposes of the orator whom we are now forming; both because they look upon all who are not *philosophically* wise to be slaves, robbers, enemies, and madmen; and yet they maintain that no man is really wise. What absurdity! that an assembly, a senate, or any body of men, should devolve their interests upon a man who believes no person present to be in his senses, to be a citizen, to be free. Add to this, that they possess a kind of eloquence which is perhaps delicate, and certainly is acute; but in

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an oratorical point of view, it is dry, uncouth, harsh in the ears of the public, obscure, empty, and jejune; yet is of such a nature as is impossible to be adapted to common usage. For the stoics have quite different notions both of *good* and *evil* from the rest of their countrymen, and indeed from the rest of the world: they have quite different ideas of the force of honour and ignominy, of rewards and punishments. Whether they are or are not in the right, is not to my present purpose; I will only say thus much, that if we follow them, we shall never be able to make any figure in eloquence. The other sects are the Peripatetics and the Academics; which last, though they all of them go under one name, yet are divided into two opinions. For Speusippus, the son of Plato's sister; Xenocrates, who had been the hearer of Plato; and Crantor, differed but very inconsiderably from Aristotle, who was Plato's hearer at the same time, though they perhaps differed as to copiousness and command of expression. Arcesilas, who had been the hearer of Polemo, was the first who borrowed this leading maxim from the different books of Plato, and discourses of Socrates, that neither our minds nor senses are susceptible of any thing that is certain: his character is, that he spoke with a great deal of wit; that he professed to despise all the judgment of the mind and senses; and that he was the first who laid it down as a rule, (though indeed that was the main point which Socrates laboured) not to discover his own real

sentiments, but to dispute against those of others. From him the later academy flowed, in which flourished Carneades, who was blessed with a divine quickness of understanding, and command of expression. Though I have known many of his hearers at Athens, yet I can praise him upon the recommendation of undoubted authorities; which are my father-in-law Scævola, who when he was a young man heard him at Rome; and my friend Quintus Metellus, the son of Lucius, a person of the greatest eminence, who said that in his youth he heard Carneades, who by that time was far advanced in years, for many days together at Athens.

CHAP. XIX.

From this common source of philosophy, as rivers from the Apennines, learning began now to run into different channels: philosophy disembogued, as it were, into the Ionian upper sea, which is Grecian, and accommodated with harbours. Eloquence glided on to this lower, Tuscan, inhospitable, rocky, dangerous coast, on which Ulysses himself would have lost his way. If therefore we extend the character of eloquence, and of an orator, no farther than the knowing how to plead not guilty to a charge, or the maintaining that what is charged to be done was done rightly, or ought to be laid upon another, or injuriously, or lawfully, or unlawfully, or imprudently

imprudently, or necessarily, or that the charge does not come under such or such a denomination; or the denying that it was so, or if it was, that it was right and justifiable; and if you think it sufficient that an orator shall learn the rules, which have been expanded by Antony with much more elegance than they are by them; I say if you are contented with these qualifications, nay even with those that you want to hear from me, you reduce an orator from a very large and spacious field into a very narrow compass. But if you intend to be guided by old Pericles, or even by one, who from the number of his writings is more familiar to us, I mean Demosthenes; and if you are in love with the appearance of exquisite harmony and beauty in a perfect orator, you must be masters of the force of a Carneades, or an Aristotle. For, as I said before, the ancients, to the days of Isocrates, united the comprehension and knowledge of every thing relating to morals, life, virtue, and government, to eloquence. After, as I have shewn, the eloquent were separated by Socrates from the learned, and afterwards all his followers, amongst philosophers despised eloquence, as orators did philosophy. Nor had they the least intercourse, unless that each borrowed from the other somewhat which served as a common source for both, if they intended to live in the old relation with one another. But as the ancient priests instituted three assistants, because of the number of sacrifices, though by the regulations of Numa they themselves

selves were to take care of the sacred banquet; thus the followers of Socrates separated the pleaders of causes from themselves, and philosophy in general; because the ancients were of opinion, that a close union subsisted betwixt eloquence and wisdom.

CHAP. XX.

As things stand in this manner, I will for my own part pray for some indulgence to myself, and beg that you will understand what I am about to say, not as spoken of myself, but of an orator. For I am one of those who, from my childhood, being instructed with the utmost care by my father, brought with me to the bar those talents, which I am now conscious I possess, though they may fall short of what you may imagine them to be; I cannot pretend to say that I have learned what I now understand, to the same perfection as I own they ought to be. I entered upon the business of a pleader very early in life, and was but one and twenty years of age, when I impeached a man of great quality, and of great eloquence; therefore the forum was my school; practice, the laws and constitutions of the Roman people, with the precedents of our ancestors, were my instructors. When I was quæstor in Asia, I somewhat indulged my curiosity, for those arts I have already mentioned, and prevailed on Metrodorus the rhetorician to accompany

company me from the academy, the same whom Antony has already praised, and very near my equal in years. In my return from Asia I came to Athens, where I would have staid longer, had it not been that I was piqued at the Athenians, because they did not repeat the celebration of their mysteries, to which I came only five days too late. Therefore all that energy, all that compass of knowledge, which I require in my own profession, so far from making for me, makes against me; (for I am not speaking what I, but what an orator can do) and renders all those empirics in the art of rhetoric ridiculous, for their writing upon the nature, the preambles and the narratives of causes; but the power of eloquence is so great as to comprehend the rise, the force, the changes of all objects, virtues, duties, and of all nature, so far as relates to the manners, the inclinations, and morals of mankind. It is hers to point out customs, laws, and rights; to govern states; to discourse with gracefulness and ease upon every subject. In this I am conversant, so far as my capacity, joined to a moderate share of learning and practice, can reach. Nor do I imagine that I am much inferior in disputation to those, who have made philosophy alone the study of their lives.

CHAP. XXI.

CAN my friend C. Velleius, when he wants to prove that pleasure is the chief good, advance one argument

argument which I am not able to defend with more copiousness, or by means of my practice in speaking, (in which Velleius is but a novice, but all of *us* conversant) refute from those common places which Antony has laid open? Is there a topic upon moral virtue, that S. Pompeius, or the two Balbi, or my friend M. Vigellius, who lived with Panætius, all stoics, can maintain so as to oblige me, or any one of you, to yield to them in point of reasoning? For philosophy is not like the other arts: for what can a man, who has not been taught them, do in geometry or music? Why, he must either hold his peace, or be looked upon as a madman. But as to the principles of philosophy, they are implanted in our nature, and whoever is endowed with quick discerning faculties, will perceive what is most probable and exact; and the practice of eloquence will enable him to speak upon them with more gracefulness. Here an indifferent orator, though not quite so learned, yet if he has been used to speak, will, by means of his common practice, baffle the mere sophists, and keep himself above their contempt and disdain. But should one at any time start up, who in the Aristotelian way is capable to speak upon either side of every subject, and who, by the assistance of well known precepts, can produce in every cause two orations, each contradictory to the other; or, like Arcesilas and Carneades, can dispute against every proposition that can be laid down; should such a man join to these attainments, an acquaintance with rhetoric,

toric, and a methodical practice in speaking; such a man would, in truth, be a perfect orator, and alone deserving of that name. For without the nerve of forensic eloquence an orator would want sufficient animation and authority; and while destitute of the various stores of science, he would not be sufficiently refined and enlightened. Therefore, let us suffer Corax, like the raven, whose name he bears, to fledge his pupils with the plumes of rhetoric, and then send them abroad from his nest, as a brood of ill-boding clamorous croakers: let us leave the obscure Pamphilus to delineate, as it were in swaddling clothes, the great profession of an orator, as the sports of children; while we are explaining, in the short conversation we have had yesterday and to-day, that arduous province, so far as this important study is comprehended in the books of all philosophers, which have never yet been dipped into by these rhetoricians.

CHAP. XXII.

Says Catulus, by heavens! Crassus, it is not surprising that you possess such force, such sweetness, such command of eloquence: this I before attributed to your genius, and in that light you appeared not only as the greatest of orators, but the wisest of men; but now I perceive you have always given the preference to good sense, and that all your copiousness of speaking

speaking flows from thence; yet when I call to mind the different stages of your age, your life, and your studies, I cannot comprehend how you have had time to make yourself master of these points; nor did I imagine that you were much adicted to such studies, as men and books; at the same time, I cannot determine whether it is most surprising that you could find leisure amidst your great employments for those assistances which you have convinced me are of the greatest importance, or if you have not, that you should be able to discourse of them so well. I was willing, replies Crassus, in the first place, to persuade you, that when I am discoursing upon an orator, I do it much in the same way as I would of a player. For I will maintain, that it would be impossible for him to please the public in his action, without learning to fence and dance. At the same time, I am far from saying that is necessary for me to be a player; no, all I require is, that I may have some taste in arts foreign to my own profession. In like manner, while, at your request, I am talking of an orator, I delineate one that is perfect. For when we speak of any art or profession, it is always understood that we speak of it in its highest perfection. Therefore, if you should think me an orator, a tolerable one, nay a good one, I shall admit that I am, (for it would be affectation in me to deny that I am thought so) yet even admitting this, I am far from being perfect. For there is no profession upon earth that is more im-

portant, more difficult, or needs more the aid of other branches. But as we now talk of an orator, we are then to understand him as finished in every excellence. For the power, the nature, the quality, and extent of any thing can never be comprehended, but by laying it open in its utmost perfection. As to myself, Catulus, I confess that at this time of life I am neither conversant in such writings, nor with such men. The reason, as you have rightly observed, is, because I never had leisure for studying; and all the time I set aside for learning was either when a boy, or when there occurred any suspension in my business at the bar.

CHAP. XXIII.

But, Catulus, if you demand my sentiments upon that kind of learning; I am of opinion that a man who has genius, and who is concerned in the affairs of the senate, and the forum, has no occasion for employing so much of his time upon it, as they do who spend their lives in the study of the profession. For in all arts, the management of those who apply them to practice, is quite different from that of those who are charmed with speculations; and considering them only as arts, spend their days in their darling amusement. There is the superintendant of the Samnites;—he is very old, yet he is every day making new observations, for he minds nothing else.

else. On the other hand Q. Velocius applied to the study of fencing only when he was a boy; and as he had genius, and was complete master of it, he got the character in Lucilius of being

[k] A finish'd master in the fencing art,
Yet knew to act a rigid patriot's part;

for he allotted the greatest part of his time to the business of the forum, of his friends, and his private economy. Valerius sung every day of his life; and what had he to do besides, for it was his profession? But our friend Numerius Furius sings only when it is proper; for he is a man of character, and a Roman knight, and learned, in his youth, as much of music as was proper for his purpose. The same observation will hold in arts of greater importance; we have seen Tubero, a man of the greatest virtue and good sense, when he was studying under a philosopher, spend whole days and nights in reading, while his uncle Africanus is making himself master of the same study, without your knowing what he is about. These points are easily learned, if you go no further in them than you have occasion, if you study them under an able master, and are yourself endowed with natural parts.

[k] *A finished master.*] Orig.—*Quam vir bonus ipse*
Somnis in ludo, ac Rudibus, CULVIS *satis asper.*
The commentators have, in their usual way, by endeavouring to clear up, rendered this passage nonsense. I have attempted to reconcile it to meaning, by retaining the word *civis*, in the quotation, and beginning the next sentence with *nam* instead of *sed.*

parts. But if you make it the sole business of your life, the very handling and enquiry into it daily begets somewhat that in your indolent amusement invites you to go farther in the pursuit. Thus it happens that a boundless field of speculation opens in the pursuit of knowledge. An easy practice will establish learning; a little application too must be added, and the memory and study must remain the same. But we still delight to learn; for instance, I may be inclined to play well at dice or tennis, though perhaps I may not succeed: but others who are excellent players, such as Titius at tennis, and Brulla at the dice, are unreasonably fond of these diversions. There is therefore no reason why any body should be afraid of the extent of the arts, because people learn them when they are old; for such either were old men when they first applied to them, or they have been detained in those studies till they became old, or they are great dunces. But in my opinion the truth of the matter is, that unless a man studies a thing expeditiously, he never can learn it well.

CHAP. XXIV.

Now, Crassus, now, says Catulus, I understand what you say, and, indeed, I agree with you. I perceive that you had time enough for a man of your very quick apprehension, for making yourself master of all the points you have mentioned.

tioned. Why, replies Crassus, should you still apply what I say, personally to me, and not to the general character of an orator? But now, if you please, let us return to our purpose. I am not against that, says Catulus. Then Crassus went on. To what view is all this long, far-fetched discourse directed? Two parts yet remain for me to discuss; that of illustrating an oration; and that of giving the finishing hand to eloquence. The first may be called *speaking* with *gracefulness;* the other, with *propriety:* these have the power of rendering a discourse delightful, moving, and copious. But the art of a pleader at the bar, which consists of litigious contention, and founded upon vulgar notions, has somewhat in it that is mean and beggarly. And what is taught by those who call themselves masters of rhetoric is very little better. We must invest our ideas in magnificent and splendid ornaments, collected from all quarters, like things imported from distant climes: an orator ought to do, as you, Cæsar, must do next year; he must take the pains that I took in my ædileship, when I did not think that this people were to be satisfied with common and familiar objects of taste. As to chusing and arranging words, or closing periods, one easily falls into the method from instruction; or practice itself will direct one into it without instruction. The principal point

Ædileship.] Among the Romans the ædiles, while in office, adorned the public buildings with statues, pictures, &c.

point is to be furnished with copiousness of materials; the Greeks were destitute of this; for that reason our young men were stupified by their instructions; and, as the gods would have it, professors commenced two years ago to deliver Latin lectures on rhetoric. When I was censor, I suppressed them by an edict, not because, as I hear some people have given out, I was unwilling that the capacities of our youths should be opened, but because I was unwilling they should be sunk in ignorance, and, in proportion, confirmed in impudence. For I perceived that among the Greeks, bad as they were, there was, besides rhetoric, somewhat to be learned that was sensible, polite, and might pass for learning: but as for these upstart professors, I could not find out that they could teach any one thing, besides impudence; which, even when joined with good qualities, ought to be strictly avoided. As this was the only thing they taught in their schools, I thought it proper, as I was censor, to put a stop to the spreading contagion. I do not, however, peremptorily insist upon it, that the subjects, we have had in hand, cannot be elegantly delivered in Latin; for both our language, and the nature of the subjects, admit of our accommodating the old, and the excellent learning of the Greeks, to our usages and manners: but this can be effected only by men of more learning than any of our countrymen have yet attained to on this subject: yet if ever such men should appear, they will be preferable to the Greeks themselves.

CHAP.

CHAP. XXV.

A SPEECH then is embellished by the subject: and by, as it were, a substance, and ground colouring of its own. To give majesty, sweetness, learning, good breeding, to make it strike, to give it the finishing touches of eloquence, to work it up with as much of the pathetic as is needful, is not to be done by regarding particular members; they are excellencies that regard the whole; but to diversify it, as it were, with the flowers of sentiments and expression: these must not run through the whole of a discourse, but such particular places, as that they may serve like jewels and distinctions in dress. Therefore the eligible kind of speaking, is that which is most interesting to the hearer, and gives him the greatest delight, but a delight without satiety. I do not imagine that you expect to be cautioned against the dryness, or uncouthness of language, or against its being too common, or too antiquated. No; your capacities and age remind me of the necessity of addressing to you something of more importance. It is hard to be accounted for, why that pleasure which most strikes us, and on its first impression communicates the most exquisite sensation, should soonest create in us disgust and satiety. You see how much more beautiful and gay the colouring is in a new, than in an old picture? Yet though the first catches our eyes, they cannot dwell upon it

with the same delight; and at the same time we are enchanted with the very antiquated, old fashion, which we contemplate in an ancient piece. How much softer and more delicate are quavers, and artificial sounds, than distinct masculine tones in singing? Yet, not only the judges of music, but the very vulgar cry out against them, if they are too often repeated. The same observation holds as to our other senses; we are less pleased with a strong, high perfume, than one that is but moderate; and one would rather chuse not to be perfumed at all than be too strongly so: even in the touch there is a degree of softness and smoothness. As to the taste, which is the most exquisite of all our senses, and most relishes what is sweet, yet how easy is it cloyed by any thing that has excessive sweetness? Or who would be confined to eat and drink nothing but what is delicious? While in both kinds the pleasures that are least exquisite, are most durable. Thus, generally speaking, satiety borders upon the most pleasing sensations; we are not therefore to be at all surprised, if this observation holds equally in eloquence. For let us pitch upon any poet, upon any orator, we shall find that an uninterrupted, an unblameable, and an undiversified conciseness, heightening, embellishment, gaiety of style, in a poem or in a speech, though they have all the advantages of colouring, afford no lasting pleasure; and the finical ornaments of an orator or a poet disgust us the sooner, because our *senses* are satiated with too much

much pleasure from our constitution, not from our reason; and in intellectual entertainments, not the ears only, but the mind much more takes disgust at a continued affectation of excellence.

CHAP. XXVI.

THEREFORE, while I am speaking, I chuse rather to have it said, and that frequently, *That is well said,* than *That is fine, That is charming;* for a too frequent repetition of that is dangerous. Yet, at the same time, I wish to hear it said, often, *No man can speak better:* yet still the perfection of eloquence has a deep shade, which throws its figures into the stronger relief. Roscius does not give all the expression which he could to this verse,

The wise man demands honour, and not plunder, as the reward for his virtues.

He remains cool, that he may come to the next.

What do I see! the sword is master of the sacred seats.

He here starts, stares, is astonished and confounded. When he comes to the other verse;

Where shall I fly for refuge?

How gently, how slowly, how coolly does he pronounce it? For it immediately introduces—

Oh,

Oh, my father! Oh, my country! Oh, the family of Priam!

Where the action could not be near so much animated, if the actor had been spent and exhausted in pronouncing the line before. The poets were as soon sensible of this as the actors: in short, the musicians were as sensible of it as either of them. For all these have their low strains, then they rise, they swell, they sink again, they diversify, they distinguish. Thus let our orator, who aims at gracefulness and sweetness, attain a sweetness that is manly and solid; and not cloying and fritted; it is then impossible he should miss of being agreeable. For the rules with regard to gracefulness may be displayed by an orator exceedingly faulty: but as I said before, he must lay up a magazine of materials, both with regard to subject and sentiments; this is a part to which Antony has spoken already. These are to be moulded in a style, to be illumined with a diction, and enriched with sentiments, corresponding to the character of the oration. But it is the highest praise of eloquence so to amplify and adorn, as to strengthen your cause; this is of use, not only when any thing is to be exaggerated or extolled, but in cases where you are to extenuate and sink.

CHAP.

CHAP. XXVII.

THIS is required in all those topics which Antony observed are to be applied for the purpose of convincing; either when we are explaining any point, or when we are conciliating favour, or raising resentment: but in the last case amplification is of the greatest efficacy; and indeed is the characteristical excellency of eloquence. That practice too of praising or dispraising, which Antony explained in the end of his discourse, though he rejected it in the beginning, is of great consequence. For nothing can contribute more to exaggerate or amplify a speech, than to be able to dispose of both these to the best advantage. Those topics follow next which are proper to the bar, and which ought to be inseparable from the nerves of pleading, yet because they used to treat of general heads, they were by the ancients called common. Some of these consist in pointed, exaggerating invectives, or complaints against vices and crimes; such as embezzlements, treason, or parricide, crimes which cannot be defended. These topics are to be used after the facts have been established, otherwise they are dry and trifling. Others of these topics consist in deprecation and pity; others of them in doubtful disputes, where there is a fair field of speaking on both sides on general heads. This practice is now appropriated to the two philosophies I have already noticed; with

with the ancients it belonged to those who were consulted upon the whole method and practice of pleading at the bar. For as to what regards virtue, duty, right, and equity, dignity, utility, honour, disgrace, rewards, punishments, and the like matters, we ought to have strength and art sufficient to speak upon them in every shape. But as we are disinherited of our estate, we are left in the possession of a little litigious tenement; and though we profess to be the champions of other people's rights, we are incapable to secure, or vindicate our own; and, to complete our shame, we must have recourse for what we stand in need of to these invaders of our property.

CHAP. XXVIII.

The gentlemen who, from a small district of Athens, obtained the name of peripatetic, or academic philosophers; but who were formerly styled *political philosophers*, a general appellation they obtained on account of their being eminently versed in the most important subjects, and universal politics: they, I say, maintain that all political discourses turn upon one or other of the following kinds; either when the dispute is bounded by particular times and parties; for instance, *Is it your pleasure that an exchange of prisoners be made with the Carthaginians?* Or the question is indefinite and general; thus, *What are the sentiments which you are most de-*

sirous to lay down with regard to a captive? The first of these kinds they term a *plea*, or a *dispute*, which they confine to three points, a *suit*, a *debate*, and a *penegyric*: but as to the other question, which is indefinite, and, as it were, a point of speculation, that is termed a *consultation:* Thus far do they go. In their lectures they indeed make use of this division; but they do not claim it as their right or privilege, or if they meant to recover the inheritance they have lost, but as if their design was to intrude upon the civil law. For they have, as it were, by stealth, come at the other kind, which is circumscribed by times, places, and persons. At present, Philo, who I understand to be the chief man of the academy, professes to understand, and practises in, such causes. As to the other kind, they mention it as being the only proper subject of the first art, and belonging to the orator: but they neither lay down its force, its nature, its parts, nor heads; so that it had been much better for them to have entirely omitted it, than to have attempted it, and then to have forsaken it. For now the world looks upon their silence as the effects of their ignorance; whereas otherwise it might have been deemed as the result of their choice.

CHAP. XXIX.

EVERY subject therefore that is a matter of enquiry, is handled in the same manner, whether it

it is an indefinite proposition, or adapted to a pleading in the court or the forum; nor is there any one subject but what must turn upon speculation or practice. For a proposition must either turn upon the knowledge of, and acquaintance with, the nature of a subject; as for instance the following, *Whether virtue is desirable for its own excellence, or for certain advantages attending it?* or upon a prudential consideration, such as the following, *Whether a wise man ought to undertake the affairs of government?* In subjects of speculation there are three modes requisite, *conjecture, definition*, and what we may call *consequence*. For should a man ask, *Whether there is such a thing as knowledge amongst mankind?* that is a conjectural proposition. If we were to enquire, *What is wisdom?* we must answer by a definition. Were we to enquire, *Whether it is consistent with the character of a good man to tell a lye?* we must then argue from *consequences*. They then return to *conjecture*, which they divide into four heads. The first, as it considers the inherent properties of any thing. Thus in the following proposition, *Whether the laws of society are founded upon nature, or upon opinion?* The next head of conjecture, relates the foundation of any thing; such as *laws* and *government*: the next regards the cause and reason of any thing; for instance, *Why do the most learned men differ upon the most important subjects?* The last head consists in *immutation;* for instance, *Whether virtue*

tue can die in a man, or whether it may not possibly be converted into vice? The modes of *definition* are as follow; *What ideas are innate in the minds of men? Whether that can be called lawful which is advantageous to the greatest part of society?* When a quality comes to be examined, as, *Whether the elegance of speech is the character of an orator?* Or, *Whether some other men besides an orator may not possess it?* Or when a subject is sub-divided; for instance, *How many kinds of things are desirable?* Or, *Whether these kinds are not three; those relating to the body, understanding, and fortune?* Or the character is to be described by such distinctions as nature observes, as when a man that is avaricious, turbulent, or vain-glorious, is delineated by his peculiar character. As to *consequences,* two kinds of questions first present: the first is a simple discussion of a point; such as, *Whether glory is desirable?* Or it is comparative; such as, *Whether glory or riches are most desirable?* The simple kind is subdivided into three heads; things that are in their own nature to be sought or avoided; such as, *Whether honours are to be sought after? Whether poverty is to be avoided?* The next consists in an enquiry into what is right or wrong; for instance, *Whether it is right to revenge the injuries done to our friends or relations?* Lastly, what is becoming, what is base; for instance, *Whether it is becoming to meet death in order to purchase glory?* The modes

of

of comparison are two; the one, when the enquiry turns upon a dispute, whether the terms are synonymous or not; as, *Whether* DREAD *and* FEAR, KING *and* TYRANT, COMPLAISANCE *and* FRIENDSHIP, are words of the same import. The other mode consists in examining what is most eligible; for instance, *Whether wise men delight most in the praise of the opulent few, or of the multitude?* And all the modes regarding *speculative* knowledge are generally laid down by the most learned men in the same manner.

CHAP. XXX.

As to what regards *practice*, it turns either upon an enquiry into the nature of a duty, under what head it is to be classed, or what is right to be done, or whether such a thing ought to be done at all? This is a topic, which comprehends all the branches of virtue and vice. It turns upon the management of the passions, when and how they are to be moved, awakened, composed, or roused. This kind includes advices, threats, consolations, complaints, and every spring that inspires or allays the passions of the mind. Having thus explained the kinds and the modes of these discussions, give me leave to observe, that though there may be some small difference betwixt that division of Antony and mine, yet they are in the main the same; for both our disquisitions

tions consist of the same members, although a little differently arranged. Now I will proceed to the rest, and confine myself to the task imposed on me. For all proofs, upon all kinds of questions that can arise, are to be taken from those topics which Antony has laid down; but certain topics are best adapted to certain kinds. It is needless to speak any thing upon this subject, not because it is too tedious, but because it is sufficiently evident. Those speeches, therefore, are the most beautiful, which expatiate widest, and, instead of being confined to local and personal altercations, reason from general propositions, and, giving the hearers a complete view of the nature, the kind, and the extent of the subject, direct them in the application of these general principles to the particular parties, crimes, and pleas, under consideration. It was an habitual practice of this kind, young gentlemen, that Antony recommended, when he gave it as his opinion, that you ought to disregard the minute sterility of personal litigations, and apply to the exuberant energy of general reasonings. The writers upon eloquence were mistaken, when they thought that this was to be attained by reading a few dissertations: it extends farther than any thing that can be learned at Tusculanum, in a morning's walk, or in an evening's conversation like the present: for not only our tongue must be pointed and wrought as on an anvil, but our minds must be completely stored

with the most important things, as with delicious, exuberant, and variegated treasures.

CHAP. XXXI.

If, therefore, we are orators, if we are to preside, if we are to lead the controversies of citizens, in doubtful conjunctures, and public debates; it is our duty to acquire all that wisdom, all that learning, which men who were at leisure, have, during our occupation, unjustly seized as unclaimed property: nay, they went so far, that they either ridiculed orators like Socrates in Gorgias, or if, in a few commentaries, they laid down any rules of eloquence, they titled them books of *rhetoric*. As if the province of eloquence did not extend to what these rhetoricians have said upon justice, the civil duties, the founding and governing of states, the practice of morality, and even to the principles of natural philosophy. As we know not against whom else we are to enter our claim, we ought to strip those plunderers of our properties, provided we apply them to the knowledge of civil affairs, in which we are conversant, to which they belong, and which they regard. Let us not therefore, as I said before, waste our years in learning such points; no man can ever be master of the sources, if he is too long in descrying them; but when we have descried them, let him frequently and occasionally draw as much from them as may

serve the purpose he has in hand. For the eye of knowledge is not so piercing in any man, as to discern those mighty matters, unless they are pointed out; and after they are pointed out, so far are they from being wrapt in obscurity, that there is no man of quick apprehension but must discern them. As therefore an orator is at liberty to range this wide, this spacious field, in which he cannot tread but on his own property, he never can be at a loss for dignified and elegant expressions. His being master of the subject will give him the command of language; and if the points to which he speaks are of themselves laudable, their nature will communicate a lustre to his words. But it is still to be understood, that the speaker or the writer had from his youth received a liberal education, that he has thirst for knowledge, is invigorated by genius, and conversant in the boundless disputes arising upon general propositions: add to this, that he must be thoroughly acquainted with the best writers and orators, and accustomed to imitate them; such a one will have no occasion to apply to those teachers for the best method of arranging and embellishing his sentences. Thus, without any directions but those of nature, improved by practice, the exuberance of his ideas will supply him with the choicest words.

CHAP. XXXII.

On this, Catulus observes: Immortal gods! Crassus, what a variety of subjects have you attained,

tained, and what force you display in the use of them, and from what confinement have you dared to bring an orator, in order to place him upon the throne of his ancestors? For the ancient authors and teachers, we understand, thought that no kind of disputation was exempted from them; and that they always professed to reason upon every subject, as their peculiar possession. Hippias of Elis, who was one of them, when he came to Olympia, while the famous Quinquennial games brought a prodigious resort to that place, boasted in the hearing of almost all Greece, that there was no point in any art, be it ever so extensive, of which he was ignorant. In this boast he comprehended not only the liberal arts, such as geometry, music, grammar, poetry, together with natural and moral philosophy and politics, but he told them, that with his own hand he made the ring which he wore on his finger, the cloak he had on his back, and the shoes that were on his feet. This perhaps was going too far; it may, however, serve to form a conjecture how passionately fond these orators were of the noblest arts, when they could stoop to the meanest. What shall I say of Prodicus of Chios—of Thrasymacus of Chalcedon—of Protaguras of Abdera?—who in their several ages entered very far, both in their conversations and writings, into natural philosophy. Gorgias of Leontium himself, whom, as an orator, Plato was pleased to rank below a philosopher, never was vanquished by Socrates, nor did the conference

left

left us by Plato ever actually occur; but if in reality he was overcome, it was owing to Socrates being more eloquent, and, as you have said, to his being a fuller and a better speaker. But even he, in Plato's book, professes to treat with the greatest copiousness upon every thing that could become the subject of altercation or enquiry; and he distinguished himself by being the first to invite men there to propose what subject they pleased to discuss: these qualities gained him so much honour in Greece, that his statue at Delphos was all of gold, while the rest were but gilded. These, together with many others, who were the most learned professors of eloquence, were all contemporary; from them we may understand that the matter was as you represented it, and the profession of an orator in ancient Greece was both of greater extent, and in greater esteem, than it is in this country. Therefore, I am in some doubt whether you deserve most praise, or the Greeks most blame; since you, born in a country of a different language, and different manners, amidst the hurry of public business, and the distractions you experienced from almost all the private affairs of the city, from the concern you had in the administration and direction of a mighty empire, have been able so effectually to master so many important subjects, and to superadd to such attainments that political knowledge and practice, requisite to the greatest politician, and the greatest orator of the state; while the Greeks, who were born in the

bosom of learning, impassioned with these studies, and melting in ease, so far from improving their patrimony, have not been able to transmit it to posterity, as full and free as it was left them by their ancestors.

CHAP. XXXIII.

It is not in this single business, replies Crassus to Catulus, but in many others, that arts have dwindled by being divided and separated from each other. Do you imagine, in the days of Hippocrates of Cos, that some were physicians, others surgeons, and others occulists; when Euclid or Archimedes taught geometry; Damon or Aristænus, music; Aristophanes or Callimachus, grammar; that these several arts were so sub-divided, as that no single man comprehended the whole system of any one, and that each set aside a particular branch as his own profession? I have been often told by my father and father-in-law, that our countrymen, who sought to acquire glory by means of wisdom, used to grasp at every branch of knowledge at that time known in this city. They mentioned, as an instance of this, Sextus Ælius, and we ourselves have seen Manius Manilius walking across the forum, which was an intimation to all his countrymen, that they were welcome to consult him: and those who either walked about in this manner, or sat constantly at home in an elbow-chair, were resorted to, to have

have their advice, not only in matters of the civil law, but when they wanted to marry a daughter, to buy an estate, to improve a field: in short, upon all duties and business that could present. The wisdom which shone in the elder Crassus, in Titus Coruncanius, and the excellent Scipio, great grandfather to my son-in-law; who had been all of them high priests, was such, that they were consulted upon all matters, divine and human; and that they indiscriminately gave their advice and assistance in the senate, before the people, in the causes of their friends, at home and abroad. What was there wanting in M. Cato, besides his being polished by that foreign literature, which has since been imported into his own country? Did his knowledge of the civil law hinder his pleading with eloquence? Or did his eloquence make him neglect the study of the civil law? No; he employed himself, and became excellent in both. Did he shine less in his political character, by means of the great popularity he acquired as a private citizen? Before the people no man displayed more firmness; in the senate, no one was a more upright member: at the same time he was by far the best general we had: in short, he did not only investigate and learn, but was able to write upon every subject that was here studied in those times. On the other hand, persons at present stand candidates for honours and offices in the commonwealth, unadorned with the garb, unprotected with the arms of knowledge; or should

a candidate appear better qualified than the generality, he vaunts himself if he possess any one solitary endowment, such as courage or skill in war, qualities indeed now neglected; or if he be versed in the study of law, which in this age is not cultivated in its fullest extent, for the pontifical code has fallen into neglect; or if he be acquainted with eloquence, which is supposed to consist in a noisy flow of words. In short they cultivate not enlarged principles of knowledge, nor seem sensible of the connection which unites all the liberal arts.

CHAP. XXXIV.

But to return to the Greeks, who must be introduced, at least in this discourse, being a nation as much the standard of learning, as ours is of valour; it is said that seven persons, who were both reputed and termed philosophers, were all of them contemporary: and all of them, excepting Thales of Miletus, were the governors of the states they lived in. Was any man in his time more learned, or did any possess eloquence more enriched by literature, than Pisistratus, to whom the reducing from confusion, and disposing the books of Homer in their present order is attributed? He was not indeed of any great service to his fellow citizens, but then he was so famous for eloquence, that he passed for one of the first men in literature and erudition. What shall I say of Pericles?

Pericles? the copiousness of whose eloquence is reported to have been such, that when he spoke for the interests of his country, contrary to the sentiments of the Athenians, he knew, while he was saying very severe things against the favourites of the people, how to render his words delightful and agreeable to the people themselves: and the ancient actors, even while they were abusing him, a thing which was at that time lawful in Athens, allowed that the graces dwelt upon his tongue. Add to this that so great was the force with which he spoke, that he left a bitter sting in the bosoms of his hearers. But Pericles was not instructed by a pedant, whose prattle was regulated by a given time; for we are told that Anaxagoras of Clazomenæ, a man eminent for his knowledge of the most sublime subjects, was his master. This Pericles, therefore, who was distinguished by his learning, his politics, and eloquence, presided for forty years in Athens over all their affairs, both in peace and war. Need I mention Critias or Alcibiades? They were not indeed the best patriots, but can it be denied that they were learned, eloquent, and instructed from the mouth of Socrates? Who imparted to Dion of Syracuse the completest erudition? Was it not Plato? Was it not he who formed, not only his tongue to eloquence, but his mind to valour? Did he not impel, direct, and arm him, to rescue his country from her bondage? Were the arts then to which Plato formed Dion, different from those to which Isocrates formed

formed the famous Timotheus, the son of that excellent general Conon, and himself a very able commander, and a learned man. The same were the arts in which Lysis, the disciple of Pythagoras instructed Epiminondas of Thebes, who was perhaps the greatest man in Greece. The same those to which Xenophon formed Agesilaus; Archytas of Tarentum Philolaus; and Pythagoras all that part of Italy which formerly went under the name of Grecia Magna; nor can I be ever brought to believe they were not.

CHAP. XXXV.

THUS I can perceive that there was but one general kind of learning, which suited a man of letters, and him who wanted to make a figure in the state; and that whoever possessed this learning, a faculty to detail it with propriety, joined to a practice in speaking without any impediment from nature, made a figure in eloquence. Therefore Aristotle, seeing the success which Isocrates met with, by having his school full of men of quality, whereas he himself had transferred his lectures from civil causes and public disputes, to an empty elegance of expression, suddenly altered his method of teaching, and with some variation applied to himself a line relating to Philoctetes, where it is said, *That it was dishonourable to be silent, and hear* BARBARIANS *speak:* Aristotle changed

changed into *hear* ISOCRATES *speak*. He therefore embellished and enlightened this whole system, and joined the knowledge of things to the practice of speaking. Philip, that wise prince, was not insensible of this; for he sent for, and appointed him tutor to his son Alexander, who by his instructions improved in the exercises both of acting and speaking. It is therefore of no consequence whether the philosopher who talks eloquently is called an orator, or whether the orator who joins wisdom to eloquence is termed a philosopher: provided it is admitted that neither a knowledge of things, without ability to express them, nor a fluency of words, without ideas, be considered as deserving the name of eloquence: for my part, were I to take my choice, I should prefer good sense, though ineloquent, to nonsense, however flowing. But the palm must be given to eloquence joined with learning; and if philosophy be added to these, it puts the thing beyond controversy. But suppose they are separated, these two last qualities will be inferior to eloquence, because they unite in the greatest degree in a finished orator: but the knowledge of philosophy does not always imply eloquence; which, however it may be slighted by philosophers, yet appears quite necessary for giving the finishing touch to all the arts. When Crassus had done speaking a general pause ensued in the company.

CHAP.

CHAP. XXXVI.

INDEED, said Cotta, I cannot at all complain that your discourse has run into a subject different from that which you undertook to speak to; for you have taken upon you a larger share than what was allotted and enjoined you by us: but undoubtedly your province was to speak upon the method of illustrating a discourse; upon this you had entered, and divided the whole art of eloquence into four parts: after you had, as you said yourself, quickly and slightly, but, as we think, sufficiently, spoken to the two first parts, you left two still to be discussed; I mean the method of speaking with *gracefulness*, and next with *propriety*. Scarcely had you touched upon this, when the ardour of your mind snatched you far from the ground, and conveyed you almost out of our sight. You grasped the whole system of knowledge; but did not indeed communicate it to us; for it is a matter of too much magnitude to be imparted in so short a time; but I speak only for myself; I own, however, that you carried me into the heart of the academy. We wish what you have often advanced were true, I mean that it is unnecessary to consume one's life in these academical exercises; and that, in order to be master of them, it were sufficient to have a view of them. But, though they are difficult, and I am dull, yet never will I rest, never will I give over, before I am acquainted with all the artificial

artificial means of disputing, both for and against every question. There is one thing, Crassus, in your discourse, said Cæsar, which I own touches me; and that is, your denying that a man who does not learn a thing expeditiously can ever be able to learn it well; so that I may find it easy to try, and immediately learn those points, which you in your discourse have so prodigiously extolled; or, if I am incapable of that, I may lose no time, and take up with what I can pick up from my own countrymen. For my part, Crassus, said Sulpicius, I neither stand in need of your Aristotle, nor your Carneades, nor any of your philosophers; you are welcome either to think that I despair of such attainments, or to despise them: the knowledge, indifferent as it is, that I have attained in the ordinary practice of the bar, is sufficient for all the degrees of eloquence that I have in view, yet I am ignorant of many of those, and am at a loss for them when I am to plead a cause. Therefore, unless you are already tired, and unless we are troublesome to you, I beg that you would touch upon those properties that communicate splendor and dignity to a discourse; I wished to hear you speak upon this subject, not that I despair of attaining eloquence, but still want to improve in learning.

CHAP.

CHAP. XXXVII.

THE points you require me to discuss, answered Crassus, are common, and such as you are no stranger to: they are points upon which numbers of people have taught, lectured, and even written. But I will obey you, and what I know I will communicate in a few words; but I advise you still to recur to the authors and instructors of more minute details. Every speech, therefore, is made up of words, which we first consider by themselves, and then as standing with others. For one embellishment of speech consists in words considered singly, and in themselves; and another as they form a period or sentence. Let us therefore make use of words that are proper, adapted to the quality of what they express, and which grow out of the subject; or such as are used in a figurative and a new sense, or such as are invented, and coined by ourselves. With regard to proper words, a good orator will avoid all that are *low* and *obsolete*, and use those that are well-chosen, significant, full, and sounding. But in this choice the ear is to be consulted: and to this a graceful delivery is very necessary. The expression made use of by ignorant people, when they are criticising those who speak: *one man selects the best words; another is not equally happy in his selection:* is not the result of their learning, but of their natural sense. And this does not make it any great merit, if a speaker avoids

avoids improprieties, though there is a very great merit in it, but lays the whole foundation and ground-work of the whole, in the use and command of good words. But the subject of our present enquiry and illustration regards the superstructure and the embellishments reared by the orator.

CHAP. XXXVIII.

As to single words, then, there are three kinds, which the orator employs in illustrating and embellishing a speech; the *obsolete*, the *new-coined*, and the *metaphorical*. The *obsolete* are generally old, worn out, and have not for a long time been employed in common conversation; such words are more proper for poets than us. Yet sometimes a poetical expression gives a certain dignity to a speech: for I would not scruple to say with Cælius, Quæ tempestate *pœnus* in Italiam venit; nec *prolem* aut *sobolem* aut *effari* aut *nuncupari*: nor with you, Catulus, non *rebar* aut *opinabar*; together with a great number of other expressions, which when they are happily disposed, often give a speech a greater air of *grandeur* and *antiquity*.[a] Words are new-coined two ways, when they

[a] The words of the original, that are in Italics, were rather obsolete, in the times of Cicero; yet Crassus says, that on certain occasions he would not hesitate to use them, as giving to his discourse a more venerable air.

they are produced and made by the person who uses them, either by composition, as, Tum pavor sapientiam mihi omnem exanimato expectorat. Num non vis hujus me versutiloquas malitias. Here you see EXPECTORAT and VERSUTILOQUAS are words made by composition and not invented. Or else words are often absolutely *invented*, as in Ennius, *Dii genitales*, or *baccarum ubertate incurvescere*. As to the third mode, which is that of metaphorical expression, it is very extensive, and was at first the effect of necessity and confinement within too narrow a compass; but afterwards it became agreeable, delightful, and usual. For as dress was at first invented to shelter us from the cold, and afterwards improved so as to be an ornament and distinction to the person. So those metaphorical expressions, which were invented from necessity, were adopted into common use from their agreeableness: for there is not a clown now, who does not speak of the *ruby grapes*, the *luxuriant grass*, and the *smiling corn*: for when a thing cannot be expressed so well by a proper as by a metaphorical term; the similarity of the subject from which the metaphor is borrowed gives a lustre to the signification. Metaphors, therefore, are words which are used, not in their own appropriate sense, but in a sense borrowed from a foreign object. But as to figures, employed by an orator, which are of a still bolder nature, and which are not enforced by necessity, but adopted as communicating additional elegance to his language; need I either point

point out to *you* the manner of inventing them, or their kinds?

CHAP. XXXIX.

A METAPHOR, consisting in one word, which being substituted for another, if the similarity strikes, is delightful; if not, it is shocking. But all metaphorical expressions ought to illustrate the subject, as in the following verses:

> The ocean shudders, while darkness palpable
> Sits brooding on the deep, and pointed flashes
> Glancing athwart the clouds, the vaulted dome
> Of heaven all trembles with the thunder's peals.
> Down from the windows of the sky descends
> In mighty cataracts a gelid storm
> Of rain commix'd with hail. Then the wing'd winds
> Burst from their prisons, and in hurricanes
> Sweep o'er the surface of the troubled deep.

Here almost all the metaphors are drawn from similar objects, to heighten the description of the storm. They are likewise employed to hint any thing that is done or intended, as when we want to paint a man who puzzles any thing, and purposely renders it unintelligible, we can do it by a metaphor of two words. *He entangles himself in a web of his own spinning.* A metaphorical expression sometimes is favourable to brevity, *Si telum manu fugit.* The random flight of the weapon

could not be briefly expressed in literal terms: but the metaphor *fugit* alone expresses it. And I have often been surprised upon this head, why we should be better pleased with metaphorical and foreign expressions, than with proper and unborrowed ones.

CHAP. XL.

For if an object has not a name appropriated to itself, *as the foot of a ship, the tongue of a balance, the divorce of a wife,* we are obliged to use metaphors to express them. But even where there is the greatest copiousness of proper, unborrowed expressions, people are generally better pleased with well-chosen metaphors. I imagine that this happens from its being a mark of genius to spurn obvious, easy expressions, and to borrow them from far-fetched subjects; or because the hearer is drawn into a train of reflection, which carries him farther than he should otherwise go, and yet not out of his way: this is extremely agreeable: or it is owing to the expression presenting, at the same time, the object and the whole image; or because all metaphors, at least such of them as are best chosen, are applied to the senses, especially the seeing, which of all senses is the most exquisite. Thus when we say, *the essence of politeness, the softness of good breeding, the murmur of waters,* and *sweetness of language;* these metaphors are all taken

taken from the other senses. But the metaphors taken from the sense of seeing are much more striking, because they exhibit to the imagination objects which otherwise it is impossible for us to see or comprehend. For there is nothing in nature but what we may apply its name to signify some other object analogous to it. Where there subsists similitude, and similitude subsists between all things, a term thence borrowed adds lustre to a discourse. In the first place all dissimilarity is to be avoided in metaphors: as when Ennius says, *The mighty arches of heaven;* though, as it is said, he brought a globe upon the stage to denote heaven, yet the spectators could perceive no similarity betwixt a globe and an *arch.*

> ——————Live, Ulysses, while you may,
> Then snatch a glance, and bid farewell to day.

Here the poet does not say, *take* or *receive;* because such expressions might have implied, as if he hoped to live longer; but he makes use of the word *snatch,* which agrees with what he says before, *while you may.*

CHAP. XLI.

We must next take care that the simile is not too far-fetched; for instance, I had rather say, *sco-*

pulum than *syrtim patrimonii*, and *voraginem* than *Charybdim bonorum*;[o] for the eye of imagination is more easily directed to objects which have been exhibited to the sight, than those which one knows nothing of, but by hearsay. And because in metaphors the great excellency lies in the aptness of the image, we ought to avoid all images which present obscene ideas to the mind of the hearer: for instance, when I speak of the death of Africanus, I should not chuse to say, *That the republic was thereby gelded;* nor to call Glaucia, *the execrement of the senate*;[p] for though the picture may strike, yet they convey unpleasant ideas to the mind. I would not chuse to have a simile suggest an idea that is disproportioned to the subject. As for instance, *tempestuous revelry* is too strong a figure; on the other hand *revelling tempest* is too weak; both which I would avoid. I should not chuse to have the metaphorical expression more circumscribed, than the proper and unborrowed one would

[o] Literally, I would rather say the *rock* than the *quicksand* of his inheritance, and the *gulph* than the *Charybdis of his goods*. Crassus alludes to some writer who had used these bold metaphors.

[p] Nolo morte dici Africani castratam esse rempublicam. This is not a metaphor, but a paltry pun. *Africanus* (as if Αφρογυνος) bears some resemblance to the Greek *Aphroditos*, or *Androgunos*, *a hermaphrodite*. *Glaucia* also bears some resemblance to *cloaca*, a *common shore*; hence the paronomasia, *cloaca curiæ Glaucia*.

would have been; for instance, *Prithee what is the matter, why do you nod the people from you?* The author had much better have said, *Why do you hinder, prevent, frighten people?* Because he had said a little before; *hence; away, my friends;* the shadow of *my presence is contagious to the worthy.* If one is afraid that a metaphor be too harsh, it may be softened by throwing in an expression before it; for instance, if when M. Cato died, one had taken it in his head to have said, *that the senate was left an orphan*; that would have been a little too harsh, it might have been softened by the expression, *If I may venture to say it, an orphan.* For a metaphor, like a person in a strange place, ought to be introduced with *diffidence;* it ought not to rush in, but be brought in; it ought not to appear strained, but natural. But there is no artifice of composition that communicates greater gracefulness to particular expressions, or imparts greater lustre to a speech in general, than the metaphorical. For the beauty of this figure does not consist in one metaphorical expression, but is continued by a series of many, which being taken separate, have a different signification from what they have, as they stand connected with one another. Thus, *I will not suffer the Grecian fleet to strike again upon the same rock and weapon.* And, *You are mistaken, you are, for the strong curb of laws will suppress your insolence, and confidence, and will subject you to the yoke of their dominion.* Proper words, that

are borrowed from a similar object, as I have before observed, may be metaphorically applied to another thing.

CHAP. XLII.

THIS is the great ornament of language, and obscurity here, is, by all means, to be avoided: for it is from the *metaphorical* that the *ænigmatical* way of speaking arises; which last does not consist in words, but in periods; that is, in a series of figurative terms. The following metaphor does not consist in a word, but in the whole period; *Grim Afric trembles with tremendous noise.* Here Africa is put for the Africans. Nor is the word here made as in this, *the sea with rock-lashing waves.* Nor is it borrowed, as here, *the sea is softened.* But it is a literal term, substituted in place of another literal term, by way of ornament, as in the following instance, *Leave, O Rome, thy enemies*——And thus——*The spacious fields are witnesses.* Majesty of style often arises from ornament; for instance, we put *Mars* instead of *war*, *Ceres* for *corn*, *Bacchus* for *wine*, *Neptune* for the *sea*, *the house* for the *senate*, *the field* for the *assemblies of the people*, *the long robe* for *peace*, *arms* and *weapons* for *fighting*. In the same manner we personify virtues and vices to signify their several subjects. Thus we say, *The family which luxury has invaded; the place wherever avarice pene-*

penetrates, truth prevailed, justice triumphed. Thus you completely see the nature of this figure. The same thing is expressed as in the literal sense, but the metaphor gives it greater ornament. There is another much of the same nature, which, though less ornamental, yet ought not to be overlooked. As when we put the part for the whole; or the whole for the part; as, for instance, speaking of a house, we may call it, *The* WALLS. Of a single troop, we may call it, *The cavalry of the Roman people.* Or we may express a multitude, by using the singular number; for instance, *Though the thing was bravely done, the Roman trembled.* Or one man may be spoken of in the plural number. Thus, *Before we were Rudians, now we are Romans.* But in all this figure it is not the letter, but the meaning that is regarded.

CHAP. XLIII.

WE often likewise misapply words, a practice that never has any good effect, but in metaphors; but though a great deal of liberty is used here, it sometimes has an happy effect. Thus speaking of an *important* discourse, we call it a *grand* one. Speaking of a *little* soul we call it a *diminutive* one. But you may perceive that all these metaphors do not consist in the word, but in the period, which, as I said before, is connected by several metaphorical expressions. But as to

those which I have mentioned to happen by alteration, or are to be understood otherwise than they are spoke, they are all in some sort metaphorical. Thus the whole force and beauty of single expressions arise from three circumstances; either when one uses an old word, which may, however, be tolerated, in the language of the present age; or when it is made either by composition, or creation, in which case the ears and practice of the public are to be consulted; or when the expression is metaphorical, which serves as so many stars to bespangle and illuminate a speech. The composition of style is our next consideration, which requires two things; arrangement and harmony. Arrangement so adapting the several words and members, as to exclude, in the flow of delivery, asperity and openness; and render the structure of the whole smooth and harmonious: as Lucilius, that elegant satirist, introduces the character of my father-in-law, saying with a great deal of wit,

> **Here finely jointed are the periods found,**
> **Smooth as the art that plans the polish'd pavement.**

As in these lines he plays upon Albucius, neither has he spared me. *I have a son-in-law more oratorical than even you, Crassus.*

What then! that same Crassus, as you have made free with his name, what has he effected? Why the very thing that both he and I wanted? and

and I hope we have succeeded a little better than Albucius. But Lucilius always used to pass his jokes upon me. However, this arrangement of words is to be observed so as to render your style connected, smooth, and equable. This you effect, if the latter part of your period is joined to the preceding in such a manner as that there be neither a disagreeable roughness, nor too wide an opening.

CHAP. XLIV.

The next thing I would recommend to your attention, is the fashion and form of your words, which I am afraid Catulus may think a childish consideration. But our forefathers thought, that in our prose we should employ a species of metrical harmony. For they required proper pauses in a style, where we may recover instead of losing our breath; and that these should not be left to the pointing of a transcriber, but be directed by the turn and manner of the words and periods. Isocrates is said to have first taught this, that he might regulate by certain numbers the loose, rambling style used by the ancients, and thereby, as his scholar Naucrates writes, give relief and pleasure to the ear. For musicians, who formerly were poets too, moulded their verses and their recitative into delightful harmony; so that the numbers of the one, and the melody of the other, prevented the ear from ever being satiated with pleasure.

pleasure. These two properties therefore, I mean the sweetness of delivery, and the closing of periods, were by them taken from poetry, and engrafted upon eloquence, as far as the gravity of prose could admit of. The chief difficulty here is to prevent your periods from running into poetry, for that would be a fault, and yet to give it all the ease, the harmony, the roundness, and finishing of numbers. And perhaps the chief distinction betwixt a good and a bad speaker is, that the one indiscriminately and unskilfully pours out all he has to say, without stopping, but from want of breath. But an orator connects his sentiments with his words in such a manner, as to confine both within periods which are musical, without being confined. For though he restricts his style to periods, and to measures, yet he relieves and unbends it by varying the stops and cadence; so that his words are neither cramped by the fetters of versification, nor ramble into wild licentiousness.

CHAP. XLV.

In what way then are we to proceed, in order to obtain this harmony in composition? Why the matter is not so difficult as it is necessary. For there is not any one thing in the world so pliable, so flexible, so ductile, and so obsequious, as language. It produces equal and unequal measures in poetry, and is the material from which we form prose of various

various measures and different kinds. The words we use in conversation are the same we use in pleading; and the words that form our language in common life, are the same with those we employ in plays and orations. But then after we have raised them from their groveling, common import, we then mould and fashion them at pleasure, like the softest wax. By these means our style is sometimes majestic, sometimes delicate, and sometimes moderate. By these means our language is adapted to the sentiment we profess, and is suited and accommodated to every purpose, whether depending upon soothing the ear, or touching the passions. But in speaking, the same thing happens which may be discovered in most of the other surprising operations of nature, that the subjects which are of the greatest utility contain the greatest dignity, and often the greatest beauty. We see that the œconomy of the universe, and of nature, is accommodated to the general safety and happiness. The concavity of the heavens, the centrical position of the self-balanced earth, the rotation of the sun through all the gradations and revolutions of the seasons, the access and recess of the moon, by which the radiancy she derives from the sun is regulated; and the unequal revolutions of the five other planets, are all so many convincing proofs of this truth. So unvarying are the properties which effect all these causes, that the least alteration would dissolve the whole system; and so beautifully is their œconomy, that fancy can form

nothing

nothing so fair. Let us now reflect upon the form and figure of man, and even of other animals; there you find that every member has its proper use; and that the finishing of the whole speaks not a blind chance, but a providential wisdom.

CHAP. XLVI.

How wonderful is the vegetable creation, where there is not a stock, a bough, nor even a leaf, which does not operate in preserving and propagating its own nature, yet all is beauty. Let us pass from nature to the arts: in a ship, what is more necessary than the sides, the keel, the prow, the stern, the yards, the sails, the masts? Yet all together appear so comely, that they seem not as designed for preservation only, but for beauty. Pillars support porticos and temples; yet they are not more graceful than they are useful. It was not beauty, but necessity, that contrived the noble cupola of the Capitol, and of other sacred edifices. For the contrivance to let down the rain on each side of the building, occasioned the lofty appearance it makes: so that though the Capitol stood in the heavens, where no rain can fall, the majesty of its structure would be lost without its cupola. The same observation holds good with regard to eloquence, almost in all its parts: for there wit and harmony almost attends utility; and, I may say, necessity. For the stops

and divisions of periods were first introduced for recovering the breath, and sparing the lungs; and yet in their own nature they are so musical, that though one's lungs were inexhaustible, yet we should not wish for continuity of style, without any stops. Such a sympathy subsists betwixt what is agreeable to our ears, and what is not only possible, but easy, for our lungs.

CHAP. XLVII.

THE longest period is marked by the time which comprehends the longest breath: but though this is the suggestion of nature, art has a different standard. For as there is diversity of numbers, your favourite Aristotle, Catulus, prohibits an orator from the frequent use of the iambic and trochaic measures; yet they naturally run into our language and discourse: but the strokes, and the quickness of these feet have too strong an effect upon the ear; therefore he recommends dactyls, anapests, and spondees, which are used in hexameters, as most proper for our purpose; for we can make free with two or more feet, and thereby avoid falling into poetry or versification. There are dissyllabic measures, with which these three hexameters occur with good effect in the beginning of periods. But Aristotle chiefly approves of the *peon*, which is two-fold; for it consists either of one long and two short syllables,

lables,[q] or of three short, and one long syllable.[s] Our philosopher recommends that we begin with the former of these peons, and conclude with the latter, which is not determined by the number of syllables, but by the more accurate and exact judgment of the ear: this measure is equal almost to the *creticus*, which consists of a long, a short, and a long syllable. 'Fannius, by setting out in this measure, thought it more proper, than the stops with which long syllables are generally terminated.

CHAP. XLVIII.

But in using these quantities we are not so strictly limited to measure as poets are, who are obliged to be exact both in their numbers and versification, so that there must not be a syllable either longer or shorter than what the rules of prosody prescribe. Prose is more free, and in plain

[q] The author here gives examples of this figure, as *definite, incipite, compromite;* but as these are given only for their measure, and not their meaning, we have not thought proper to translate them.

[r] *Domuerant sonipedes.* Orig.

[s] Our author gives an instance of this measure in a Latin line:

Quid polam presidi, aut exequar? Quove nunc;

and tells us that Fannius set out with this measure in the following words, *Si quirites minas illius. Ille* in the original may mean Aristotle.

plain terms it is, as it is called, an unconfined style, but without looseness and rambling, for it regulates itself without constraint. For I think with Theophrastus, that a finished, polished style, ought not to have a regular, but a flowing harmony of periods. He is likewise of opinion that the Anapestus was composed out of those measures that make up the heroic, as being of a more unconfined nature; that this was followed by the dithyrambus, which is more free and luxuriant still, its quantities and measures being diffused through all florid styles. And if, in every modulation of voice, in all cadences of periods, harmony consists in certain effects they have upon the ear, and a well-timed measure betwixt every stop, the true excellency of a prose style lies in rightly judging this measure, and taking care that it have no regular returns that may tire the ear. For if an everlasting flowing prate, without stop, without pauses, is disagreeable in all respects, what is the reason, but because the ear modulates the voice, which can have no harmony if it keeps no TIME. But there is no TIME where there are no STOPS. The intermission and striking of sounds, either at equal or unequal intervals, make TIME. We may observe TIME in water falling drop by drop, but cannot in a rolling river. If style, therefore, considered as a fluxion of words, is much more proper and agreeable when marked by stops and periods; it is plain that its members ought to be under some regulation. If the close of a period is quick and

short,

short, it spoils its roundness; for so the Greeks term the turn of a style. Therefore the syllables at the close of a period, should be equal to the foregoing, and these to what preceded them; or else what is much better and more musical, they ought to be longer.

CHAP. XLIX.

Such, Catulus, are the precepts of your favourite philosophers, whom I often quote, that I may under their sanction avoid the imputation of trifling. How so, replied Catulus, do you imagine then that you could have brought any thing into your discourse that is more elegant or more delicate? But, answers Crassus, I am afraid that these young gentlemen will fancy it more difficult than it really is; or because I have not delivered it in the common terms, that I affect to make it seem important and difficult. You are mistaken, Crassus, said Catulus again, if you imagined that either I, or any of this company, expected from you any thing trite or common. You have spoken on the very points we wished to hear from you; and your manner is still more agreeable than your matter; this I boldly pronounce, not only for myself, but in the name of all present. For my part, says Antony, I recant what I advanced in my dissertation, that no man can be *eloquent;* for I have now found such a man. But I do not intend to divert you in the short

short time you have for finishing your discourse, nor shall one word of mine, even in your praise, misemploy it. You must therefore, resumed Crassus, be regulated by this standard, uniting practising in speaking and writing, which gives perfection and polish to many other attainments, but especially to eloquence. But this is no such mighty task as it appears, for you are not bound down to the rigid laws of poetry and music; all you have to do is to take care that your style be neither loose nor rambling; that it be neither abrupt nor diffusive; that its members be distinguished, and the periods well rounded: nor are we always to indulge in a lengthened flow of sentences, but should curtail the clauses, and give our sentiments a pointed brevity, cemented nevertheless in harmonious numbers. Do not be startled at the *peon*, or the *hexameters* I have mentioned; you will naturally fall into them, they will present, they will offer themselves to your service, if, while you practise speaking and writing, you close your periods with verbs, and these verbs are compounded of free, easy measures, such as the *heroic*, the first *peon*, or the *creticus*; but the close ought still to be varied and diversified, for it is there that the *sameness* is chiefly observable; and if the first and the last feet are regulated by this rule, the intervening will pass unobserved; but care must still be taken that the period does not too frequently return, or be protracted beyond what the breath and the strength of the lungs will admit of.

CHAP. L.

But it is my opinion that you ought, above all things, to pay particular attention to the close of your sentences, for in these we chiefly judge of the polish and perfection of style. In composing verses, an error in the beginning, in the middle, and in the end, is equally perceptible; and it shocks wherever the blunder lies; but in prose, very few mind the beginning, but most people the end of a period; and these, because they are most striking and best understood, must be varied, lest either the judgment be offended or the ear satiated. For the two or three last feet are to be observed and marked, provided the foregoing were not short and quick, for they ought to be either *chorian*, *heroic*, or *alternate*, or of the last kind of *peon*, which is approved of by Aristotle; or the *creticus*, which is equal to that. When these are skilfully diversified, the ear of the hearer is neither cloyed by *sameness*, nor does it seem to have cost any trouble to the speaker. But if Antipater of Sidon, whom you, Catulus, well knew, was accustomed to pour forth unpremeditated *hexameter*, and other verses, in a variety of measures; and if practice so much improved a man of his great genius and memory, who was no sooner in a humour to versify, than words followed of course, how much more easy is it for us to attain the same end in prose by use and practice? But if any one should be surprised that

that these things are discerned and marked by the most vulgar hearer; he needs but only reflect how great and surprising the force of nature is in every thing, especially in this; for every man has within him a certain tacit sense, which enables him to distinguish what is right or wrong in the arts and sciences, and this without instruction or information. If this observation holds good with regard to pictures, statues, and other works, in criticising which, they have less assistances from nature, it is much more evident in the judgment they form of words, harmony, and delivery, because this is a judgment implanted in the senses that are common to all mankind: it is a faculty of which nature never meant any rational creature to be absolutely destitute. Therefore people are not only moved by a judicious disposition of words, but even with their harmony and sounds. For how few are judges of number and measures, yet we see, on the least slip in quantity, the whole theatre resounding with the hisses of the audience. Will not then the same thing happen with regard to words, so that they may not only in a period and a sentence be disagreeable to the people, not only in a body but separately?

CHAP. LI.

It is surprising there should be so great a difference in the talents of the learned and unlearned,

and yet so little in those required to judge of both; for art, which is but the offspring of nature, appears ineffectual, unless she touches and delights nature; but nothing harmonizes so much with our intellectual faculties as sounds; by them we rise, we kindle, then sink and languish; they often put us in a cheerful, and often in a melancholy mood; their wonderful magic is best adapted to verses and odes; therefore I imagine our learned Prince Numa, and our ancestors, were sensible of this, as appears by the musical instruments introduced in the solemn banquets, and the verses of the Salii: but they were chiefly used in ancient Greece, and I wish you had chosen that my discourse had turned upon these, and such other subjects, rather than upon the metaphorical use of words: but as the common people can perceive a fault in the quantity of a verse; so they are sensible when there is a lameness in prose; but they never pardon the poet, though they indulge us; yet all of them secretly perceive that there is a defect in that propriety and perfection we have mentioned. Therefore the ancients, as we see some now-a-days, when they were unable to complete the roundness, and, as it were, the sweep, of a period, a thing that we have lately either effected or attempted, have supplied it with three words, or two, and some with one; and in the infancy of civilization, by pleasing the ear in its demand, this answered their purpose, which was, to have words in their periods

riods respondent to, and at equal pauses from one another.

CHAP. LII.

THUS I have, as well as I am capable, explained whatever belongs to the ornaments of style; for I have considered the propriety of words by themselves, as forming a period, and as forming it with gravity and harmony. But if I am to speak as to the drapery, or the colouring of speech; that ought to be full, but terse; it ought to be delicate, yet lively and strong; and such as to possess a moderate share of excellence in both kinds. These three characters should display a colouring, resembling not the tinsel of art, but the flush of nature. Then, our orator is to be furnished both as to words and sentiments, in the same manner as a fencing-master instructs his scholars, not only how to give or parry a thrust, but how to move with graceful attitudes. Composition and gracefulness of style consist in words, but its majesty and dignity in sentiments. The changes that may be made in words and sentiments are almost infinite: this I know you are sufficiently apprized of; but there is this difference in the construction of words and sentiments, that the former is destroyed by not preserving the identical words, but the beauty of sentences will remain the same in whatever language they are cloathed. Though you practise this, yet I

think fit to put you in mind of it, lest you should imagine that an orator has any thing else to do, at least, any thing that can produce a beautiful and surprising effect, than to observe three things with regard to each particular word: to use metaphorical words frequently, invented words occasionally, but antiquated words seldom. But in the thread of a discourse, after we have studied smoothness and harmony, as abovementioned, the whole is to be illuminated with splendid diction and noble sentiments.

CHAP. LIII.

For the figure by which *we dwell upon one subject* is of great efficacy, as is a perspicuous illustration, and a lively representation of facts in the manner in which they happened. This is very serviceable, first in representing an affair, then in illustrating that representation; and next, in heightening it, so that to our hearers we render the subject as ample as it is in the power of words to make it. Opposite to this figure is *precision*, which hints rather than fully explains your meaning; as is likewise *brevity*, in which consist *perspicuity* and *conciseness*, together with *extenuation* and *allusion*, which coincides with Cæsar's rules. Then comes *digression*, which, as it is delightful, your resuming your subject ought to be proper and agreeable; then follows the *proposition* of what you are to speak to; then its *disjunction*

junction from what hath been already said; then you *return* to what you proposed; then you *recapitulate;* then you *draw*, from the premises, *your conclusion;* then you *enhance* or *evade* the truth, according as your intention is to *exaggerate* or *extenuate;* then you *examine*, and, what is very near a-kin to examination, you *expostulate* and *answer* upon your own principles; then succeeds that bewitching figure *irony*, by which a different thing is understood from what is expressed, a figure that has the most agreeable effects in a discourse, when introduced, not by way of argument, but entertainment; then comes *dubitation;* then *distribution;* then the *correction* of what you have either said, or are to say; or when you are to repel any thing from yourself. *Premunition* regards the point you attempt to prove; then there is *throwing the blame* upon another; then there is *communication*, which is a kind of *deliberation* with those to whom you speak; then there is the *imitation of morals and life*, either when you name or conceal the characters they belong to; this greatly embellishes a speech, and is chiefly calculated for conciliating the favour, but often for moving the passions of the audience. Then follows an *imaginary induction* of real persons, which is, perhaps, the most dignified splendor which amplification can impart; then *description;* then the *induction* of a mistake; the *impulsion* to cheerfulness; then *prepossession;* together with those two figures that have so strong an effect, I mean *comparison*

and *example;* then comes *unravelling, interruption, straining, suppression of what you insinuate you know, commendation;* a more free, and even unbridled style when you want to *exaggerate,* and to give an *emphasis* to your expression; then comes *anger, chiding, promising, deprecating, beseeching,* a short *deviation* from your subject, but not of the same nature with *digression,* which I have already mentioned; then *apologising, conciliating, blaming, wishing,* and *execrating.* It is chiefly by these figures that sentiments give beauty to eloquence.

CHAP. LIV.

As to the figures of style, they serve as in the case of fencing, either to shew how well the master can aim; and, as it were, fetch a blow; or how gracefully he can handle his weapons. For the repetition of a word sometimes gives force to a style, at other times it shews wit, as does a small variation or alteration in a word. A frequent repetition of the same word from the beginning, or the resuming it in the close of a speech; the giving force to words, and then making the same words meet, adjoin and proceed together with putting a certain mark of distinction upon a particular word which you often resume; and those which have the like terminations, and the like cadences; those which form the respondent parts of a period, and have a mutual relation to one

one another. There is likewise a certain *gradation* and *conversion*, with a well-judged *transposition* of words; there is then their *opposition*, and *detachment* from one another, by throwing out *conjunctive particles*; then *evasion*, *reprehension*, *exclamation*, *diminution*; and what is placed in many cases; and what is drawn from particular propositions and applied to particular subjects; and the *method of laying down a proposition*, together with subdividing it into several parts, and *concession*, and another kind of *doubting* and *surprise*, and *enumerating*, and another *correction*, and *dissipating*, *continuity*, and *interruption*, and *representation*, and *answering one's self*, and *immutation* and *disjunction*, and *order* and *relation*, and *digression* and *precision*. These, or the like, perhaps there may be more, are the figures that illustrate the sentiments and the style of a speech.

CHAP. LV.

I PERCEIVE, said Cotta, that you have poured forth those points without definitions, and without examples, besause you imagine that we are acquainted with them. For my part, said Crassus, I did not imagine that any thing I have spoken of is unknown to you, all I meant was to comply with your orders. But I see by the declining sun, that I ought to be short upon those heads. He will speedily set, and accordingly I

have hurried over these things with speed. But the explanation and rules relating to this kind, are in common use; though the application of them is very important, and the most difficult part in all the practice of eloquence. Therefore as to the embellishments of style, if they are not all of them laid open, yet at least the topics from which they are borrowed have been pointed out. Now let us consider *propriety*, by which I mean *gracefulness* of style. There is no general rule for this; for one kind of style cannot agree with every cause, every hearer, every character, every juncture; nothing is more evident than that capital actions must be discussed in a language different from those we use in private and trifling cases; debates, panegyrics, trials, discourses, consolations, reprimands, disputation, and history, require each a different style. We ought likewise to regard the character of those before whom we speak, whether it be in the senate house, or before the people, in a court of justice; whether to a crowded, or a thin audience, or to one person; we ought likewise to have some regard to our own age, our rank and character, and likewise to the juncture in which we speak, whether it be in the time of peace or war, of hurry or leisure. Therefore we can lay down no general rule upon this head, but, as it suits the different occasions, to employ the three different styles we have mentioned, the full, the slender, and the middling, and to make a judicious use of almost the same ornaments. In short, the utmost efforts

forts of art and nature consist in our being able to judge of, and to do what is most becoming our character and the occasion.

CHAP. LVI.

But the effect of all those particulars depends upon the *action*. Action is the predominant power in eloquence. Without it the best speaker can have no name, and with it a middling one may obtain the highest. It is said that Demosthenes, when asked what was the first constituent in eloquence, he answered, action was the first, the second, and the third. This makes the story told by Æschines much better: after he had lost a cause, he retired in disgrace from Athens to Rhodes, where, at the request of the Rhodians, he read that fine oration, which he pronounced against Ctesiphon, who was defended by Demosthenes: after he had finished it, he was requested next day to read that which was pronounced by Demosthenes for Ctesiphon; which he did with a charming full voice. When every body was expressing their applause, *How would you have applauded*, says he, *if you had heard the author himself deliver it?* By this he intimated what a vast influence *action* had, since the change of the *actor* could make the same speech appear in a quite different light. What was it, Catulus, which, as you well remember, so much distinguished Gracchus, and which, when a boy,

a boy, I heard so much extolled. *Wretch that I am, whither shall I retreat? Whither shall I turn me? To the Capitol? The Capitol streams with my brother's blood. To my family? There must I see a wretched, a mournful and afflicted mother?* It appears that those words were accompanied with such expression in his eyes, in his voice, and his gesture, that even his enemies could not refrain from tears. I have been the longer on this head, because it has been wholly neglected by orators, who are the actors of truth, and taken up by players, who are but its mimics.

CHAP. LVII.

YET, doubtless, in all cases, truth has the advantage of imitation; but if in action nature were sufficient for our purpose, we should have no occasion for having recourse to the rules of art. But since the passions of the soul, which are to be chiefly expressed or represented by action, are often so confused, as to be quite obscured and almost obliterated; the causes of this obscurity must be dispelled, and advantages must be taken of those that are most unclouded and accessible. For nature has given every passion its peculiar expression in the look, the voice, and the gesture; and the whole frame, the look, and the voice of a man are responsive to the passions of the mind, as the strings of a musical instrument

are to the fingers that touch them. For as a musical instrument has its different keys, so every voice is sharp, full, quick, slow, loud, or low, and each of these keys have different degrees; which beget other strains, such as the smooth and the sharp, the contracted and lengthened, the continued and interrupted, the broken and divided, the tender, the shrill and the swelling; all these require to be managed with art and discretion. And the orator makes use of them, as the painter does of his colours, to give variety to his piece.

CHAP. LVIII.

ANGER has a peculiar pronunciation, which is quick, sharp, and broken.

> My bloody brother gives me his advice
> To tear my tender children with my teeth.
> O what a cursed wretch must I be then?

Like that Antony, which you mentioned.

> Durst you part with him?

And the following:

> Ah! mark you this; quick! bind him:

And so of almost the whole tragedy of Atreus.

The tone of pity and grief is different; it is full, moving, broken, and mournful.

> Where shall I turn me? Whither shall I fly?
> To my paternal seat, or Pelias' daughters?

And

And in the verse already mentioned;

O my father! O my country! O the house of Priam!

And the following:

————All is in a blaze,
And Priam lies a lifeless corpse on land; I saw it.

Fear is low, diffident, and humble:

With what variety of wretchedness
Am I surrounded! sickness, exile, want!
Then fear drives resolution from my breast,
And death in tortures hovers o'er my head!
Where is the breast so steel'd, the heart so brave,
But melts and trembles at the dreadful prospect?

Vehemence demands a strain that is intense, strong, and majestically threatening. Thus—

Again THYESTES to my bed approaches,
And wakes me from my slumber;
Alas! a mightier weight of woe must crush me;
I have a draught more bitter still to drink;——
Could I pluck out his heart, and rend its *strings*——

Pleasure is diffusive, soft, tender, cheerful, and gay:

But when to me the nuptial crown he brought,
And seem'd to give it to another's hand;
How gay, how charming, was the wanton boy?
How did his dandling steal my heart away.

Uneasiness is of another sort, it is oppressive without commisseration, and its tone is grave and uniform:

When in unhallow'd nuptials Helen gave
Her hand to Paris; then my bearing time
Was near completed; then the Queen of Priam
Gave to the world her darling Polydore.

CHAP.

CHAP. LIX.

But all these emotions ought to be accompanied with action; not theatrical action, limited to particular words, but extended to the whole discourse; aiding the sense, not by pointing, but by emphasis, a strong manly action, borrowed from the use of arms, or the school of arts, and not from stage performers. The hand ought not to saw the air, and the fingers in moving should follow the words, and not precede, as it were, to point them out. The arm ought to be stretched forward, as if to brandish the bolts of eloquence; and the stamping the foot ought to take place, either in the beginning or the end of a debate. But all depends upon the face, and all the power of the face is centered in the eyes. This our old men are the best judges of; for they were not lavish of their applause, even to Roscius when he was in a mask. All action depends upon the passions, of which the face is the picture, and the eyes the interpreters. For this is the only part of the body that can express all the passions; nor can any one who looks another way create the same emotions. Theophrastus used to apply to one Tauriscus, who averted his face from the audience when he was repeating his part, the epithet *aversus*. Therefore a great deal consists in the right management of the eyes, for the features of the face ought not to be altered too much, lest we become ridiculous or disgustful.

gustful. It is by the vividness, or the languor of the eye, by a dejected, or a cheerful look, that we express the emotions of the heart, and accommodate what we say, to what we feel. Action is, as it were, the language of the body, and therefore ought to correspond to the thought. For Nature, as she has supplied the horse and the lion with a mane, a tail, and ears, to express their feelings, has endowed the eyes of mankind with the same properties. Therefore in the action of an orator, the look takes place next to the voice, for the eyes direct the features. But nature has given a particular force to all the modifications of action; therefore we see it has great effect upon the ignorant, the vulgar, and the greatest upon foreigners who are unacquainted with our tongue. Words affect none but him who understands the language; and *sentiments* that are pointed, often escape the undiscerning. But an action expressive of the passions of the mind, is a language universally understood; for the same expressions have the same effects in all circumstances, and all men know them in others by the same characters which express them in themselves.

CHAP. LX.

But the chief excellence to be admired in a good delivery, is a fine voice. If an orator possess not a good voice, it ought, such as it is, to be improved. I shall not here point out in what manner

nerthe voice becomes susceptible of improvement; but I think it of great importance that the means of improving it should be cultivated. But the train of my discourse leads me to repeat the observation I made a little while ago, that what is most useful is most becoming; I know not how this happens, but it is certain that in speaking nothing tends more to acquire an agreeable voice, than frequently to relax it, by passing from one strain to another, and nothing tends more to injure it than violent exertion unrelieved by modulation. What gives greater pleasure to our ears, and more charms to delivery, than judicious transitions, variety, and change? Therefore, Catulus, you might have heard from Licinius, who is your client, a man of learning, and the secretary of Gracchus, that Gracchus made use of an ivory flute, which a man who stood privately behind him, while he was speaking, touched so skilfully, that he immediately struck the proper note, when he wanted either to quicken or to soften the vehemence of his voice. I have heard him tell it, replied Catulus, and I often admired the application, the learning, and the knowledge of the man. For my part, says Crassus, I am grieved at the misfortunes of those great men, and yet I see the same political game renewed, the same dissolute manners advancing on the state, to convince posterity that we desire to encourage citizens in crimes which were intolerable to our forefathers. Leave, Crassus, I pray you, says Julius, these reflections, and re-

turn to Gracchus's flute, the nature of which I do not yet thoroughly understand.

CHAP. LXI.

In every modulation of voice, replied Crassus, there is a mean peculiar to itself. The gradual rising of the notes from this base is both proper and pleasing, but to set out with bawling has something in it very clownish, and is as hurtful to the voice, as the other method is salutary. In short, there is a certain straining to which the flute will not suffer you to rise, but bring you down to the proper note; and there is somewhat in the lowering the voice, which on the other hand is very grave, but must sink through all the several degrees of the scale. This variety, and this progression through all the tones will both preserve the voice, and give a sweetness to the action. As to the flute, you may leave it at home, but the spirit of such a practice you ought to carry to the bar.

I have, as far as the time would allow, to the best of my abilities, which fall short of my inclination to serve you, delivered my sentiments on this subject: for it is a convenient excuse to lay the fault on the time when we have nothing farther to add. For my part, replies Catulus, your discourse has been so truly excellent, that to me you seem not to have been a scholar of the Greeks, but capable of being their teacher, and I rejoice

rejoice that I am one of this company. I only wish your companion, and my son-in-law Hortensius had been of the party. I hope that one day he will attain all those charms of eloquence you have so well described. *He will be*, answers Crassus, give me leave to say he *is so* already; and I thought so when he pleaded the cause of the Africans in the senate while I was consul; and my good opinion of him was increased by his late oration in favour of the King of Bithynia. For which reason, Catulus, your hope is well-founded respecting him; for I am of opinion that nothing which either genius or learning can communicate, is wanting in that young orator. This, Cotta and Sulpicius, ought to render you the more vigilant and active, since before he had reached your age he has exhibited unusual powers of oratory; his parts are quick, his application indefatigable, his learning eminent, and his memory excellent. I love him much, and wish that he may excel all those of his own age: but it will hardly be decorous, if he should out-strip those who so far surpass him in years. But let us now, adds he, rise, and, by relaxing, relieve our minds from the severity of this conversation.

FINIS.

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